TIGARD CITY COUNCIL MEETING

MARCH 12, 2002 6:30 p.m.
TIGARD CITY HALL
13125 SW HALL BLVD

TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are <u>estimated</u>; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. <u>Business agenda items</u> can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A TIGARD CITY COUNCIL MEETING MARCH 12, 2002

6:30 PM

- STUDY SESSION
 - > DISCUSSION AND REVIEW OF COMMUNITY EVENTS FUNDING REQUESTS
 - > DISCUSSION OF OPTIONS FOR COOK PARK CONCESSIONS
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- BUSINESS MEETING
 - 1.1 Call to Order City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
- 2. VISITOR'S AGENDA (Two Minutes or Less, Please)
 - Tigard High School Student Envoy Nathan Leamy
- 3. PROCLAMATIONS:
 - a. National Community Development Week, April 1 –7, 2002
 - b. Declaring Tigard High School Marching Band and Tigerette Dance Team as the Official City of Tigard Ambassadors to New York City

- 4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 4.1 Approve Council Minutes for October 15, 2001 and January 14 and 15, 2002
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 4.3 Revise Resolution No. 00-08, Citywide Personnel Policies, Updating Family and Medical Leave Article No. 55-0 Resolution No. 02 -
 - 4.4 Adopt a Resolution Authorizing the City Manager to Sign a Dedication Deed Dedicating Additional Rights-of-Way at SW North Dakota Street and SW 115th Avenue, SW Walnut Street and SW Tiedeman Street, and SW Gaarde Street Resolution No. 02 -
 - 4.5 Adopt a Resolution Approving Year Twelve of the Washington County Wasteshed Waste Reduction Plan and to Adopt an Intergovernmental Agreement with Washington County Resolution No. 02 _____
 - 4.6 Local Contract Review Board
 - a. Award Engineering Services Contracts to Westlake Consultants for 121st Avenue and to CESNW Consultants for Walnut Street Improvements
 - <u>Consent Agenda Items Removed for Separate Discussion</u>: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.
- 5. PUBLIC HEARING (LEGISLATIVE) TO CONSIDER AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE TO ALLOW FOR MORE FLEXIBILITY PERTAINING TO PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTIONS AND JOINT PARKING THROUGHOUT THE CITY OF TIGARD (ZOA2001-00003)

REQUEST: A request to review and amend the Religious Institution parking requirements within the Tigard Community Development Code to allow for more flexibility. The request revolves around the required seating that is currently imposed on the development of Religious Institutions within the City of Tigard. The current proposal involves three components:

• Changing the requirement from one space for every two seats, to one space for every 3-4 seats;

- Allowing shared parking to occur up to 500 feet from the property line for all uses:
- Allowing some on-street parking to occur where streets are designed and physically improved to accommodate such parking.

LOCATION: Citywide. **ZONE:** N/A **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2 and 2.1.3; and Community Development Code Chapters 18.380, 18.390 and 18.765.

- a. Open Public Hearing
- b. Staff Report: Community Development Department
- c. Public Testimony
- d. Staff Recommendation
- e. Council Discussion
- f. Close Public Hearing
- g. Council Consideration: Ordinance No. 02 –
- 6. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 21 ERROL AND FONNER STREETS
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 02 _____
- 7. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 22 HOWARD DRIVE
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 02 _____
- 8. UPDATE ON COOK PARK MASTER PLAN EXPANSION PHASE II
 - a. Staff Report: Public Works Staff

- b. Council Discussion
- 9. DISCUSSION OF OPTIONS TO PAY ADDITIONAL CITY COSTS FOR THE 69^{TH} AVENUE LOCAL IMPROVEMENT DISTRICT (LID)
 - a. Staff Report: Engineering Staff
 - b. Council Discussion
 - c. Council Direction: Which funding option should staff pursue to cover the additional costs associated with the 69th Avenue LID?
- 10. CONSIDER AN ORDINANCE AMENDING CHAPTER 10.28 OF THE TIGARD MUNICIPAL CODE PERTAINING TO PARKING
 - a. Staff Report: Engineering Staff
 - b. Council Discussion
 - c. Council Consideration: Ordinance No. 02 _____
- 11. COUNCIL DISCUSSION OF OPTIONS REGARDING MUR-2 ZONING ISSUES RAISED DURING THE WASHINGTON SQUARE REGIONAL PLAN IMPLEMENTATION PUBLIC HEARING
- 12. COUNCIL LIAISON REPORTS
- 13. NON AGENDA ITEMS
- 14. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- 15. ADJOURNMENT

MEMORANDUM



TO: Mayor and City Council

FROM: Craig Prosser, Director of Finance

RE: Community Event Grant Requests

DATE: March 4, 2002

During the 2001 Budget Committee Meetings, the Mayor and Council requested that they have the opportunity to review community event grant requests prior to the proposed budget being submitted to the Budget Committee. Enclosed are copies of the applications and a summary sheet listing all current community event requests and past allocations.

We have received nine (9) community event applications totaling \$46,650 in direct contributions. An additional \$2,297 is being requested for in-kind support. According to the funding policy of the Budget Committee set in prior years, only \$41,215 is available for these grants.

On December 18, 2001, Council approved three resolutions guaranteeing base funding to three sponsored community events – Festival of Balloons, Broadway Rose and Tigard 4th of July. Together the guaranteed funding for these three events is \$27,500. After removing the guaranteed funding requests, a total of \$13,715 remains to be distributed amongst the 6 other applicants. The total amount requested from these applicants is \$19,150. Therefore, the remaining requests will need to be reduced by a minimum of \$5,435 to stay within the budget set for community event grants.

Staff is requesting that the Mayor and Council review the event requests and give recommendations on which requests should receive full, partial or no funding. The final funding decisions will be made at the Budget Committee meetings in May.

MEMORANDUM



TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: City-Sponsored Events

DATE: March 5, 2002

All three sponsored events (The Balloon Festival, Tigard 4th of July, and the Broadway Rose Theater) have signed a sponsorship agreement.

The sponsored-event organizers requested cash contributions in the amounts "guaranteed" (as referenced in Council resolutions adopted in December 2001):

Balloon Festival	\$10,000
Tigard 4 th of July	7,500
Broadway Rose	10,000

A total amount of \$2,297 for In-kind amounts were noted requested as follows:

Tigard 4 th of July	\$1,600
Tigard Recreation Association	94
Tualatin Riverkeepers	500
Tualatin Valley Community Band	103

Total In-kind requested: \$2,297

While not specified in the funding request, it is anticipated the following events will have need for in-kind services and I have listed information relating to those services provided by the City last year:

Balloon Festival (see attached detail sheets)

Police \$ 10,852 Public Works <u>32,158</u>

Total \$43.040

Tigard Blast (see attached detail sheet)

Police \$ 1,925

(Public Works Dept. delivered and then picked up barricades used for the event. This work was done during the work week – no overtime incurred)

2001 BALLOON FESTIVAL REPORT

PUBLIC WORKS HOURS (FRIDAY 3:30am to SUNDAY 6:00pm)

Manager (M2 Time)	24.5 hrs	\$ 962.91
Supervisor	36hrs	\$ 1,764.93
Sr. Utility	136.75 hrs	\$ 5,057.18
Utility II	371hrs	\$12,242.40
WEEKEND TOTAL	568.25 hrs	\$20,027.42
		,
PUBLIC WORKS PREI	P AND CLEANUP HOUR	S .
PARKS		
Sr. Utility	119.50	# 2 0/2 00
(Includes Acting Supervis		\$ 2,863.08
Utility II	92.5	\$ 2.00 <i>C</i> 42
Temps.	118.0	\$ 2,096.43
Division Total	330 hrs	\$ 1,433.65
Division Total	330 H/S	\$ 6,393.16
STREETS		
Sr. Utility	60.0	\$1,615.03
Utility II	124.0	\$3,007.85
Temps.	79.0	\$ 959.81
Division Total	263.0	\$5,582.69
WATER		
	1.0	* • • • • • • • • • • • • • • • • • • •
Sr. Utility	1.0	\$ 27.08
Utility II	1.0	\$ 24.77
Temps.	2.5	\$ 30.37
Division Total	4.4	\$ 82.22
STORM		
Utility II	3.0	\$ 72.75
Division Total	3.0	\$ 72.75
		φ 12.13
ALL DIV. TOTAL	600.5hrs	\$12,130.82
TOTAL LABOR	1,168.75hrs.	\$32,158.24
		Ψομιου.21

MEMORANDUM TIGARD POLICE DEPARTMENT



DATE:

6/19/01

TO:

CHIEF GOODPASTER

FROM:

LT. DEVENY

SUBJECT: 2001 TIGARD BALLOON FESTIVAL STAFFING/COST REPORT

TOTAL STAFFING HOURS FOR TIGARD FTE TOTAL FTE OVERTIME HOURS TOTAL TIGARD RESERVE HOURS TOTAL OUTSIDE AGENCY HOURS	336 HRS 219 HRS 126 HRS 416 HRS
TOP PATROL RATE \$22.63 67 HRS TOP PATROL OVERTIME RATE \$34.00 178HRS NON SWORN OVERTIME \$24.00 41 HRS MANAGEMENT M-2 \$33.00 50 HRS	\$1516.20 \$ 6052.00 \$ 984.00 \$ 1650.00
TOTAL STAFFING COST	\$ 10202.00
SUPPLIES BEVERAGES/GATOR RENTAL	150.00 500.00
EVENT COST	\$ 10852.00

OUTSIDE AGENCIES- Beaverton PD 92hrs

Wash Co. SO 81hrs Sherwood PD 44hrs Scappoose PD 36hrs Hillsboro PD 35hrs Tualatin PD 30hrs **PNSWR** 28hrs **WCCCA** 22hrs Newberg PD 18hrs Gladstone PD 18hrs Gresham PD 12hrs

Tigard Blast August 2001 – In-Kind Expenditures

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Friday 08-03
     1800-2300 hrs
              Ofc. Davis
                                5 hrs. OT @ $34.00 = $170.00
              Res. Ofc. Quinby 5 hrs. non - paid
              Sgt. Kaufman
                                5 hrs. OT @ $46.81 = $234.05
Saturday parade detail
     0800-1100 hrs.
             Sgt. Kaufman
                                 3 hrs OT @$46.81 = $140.43
             Ofc. Morse
                                4 hrs OT @ 34.00 = $136.00
             Ofc. Duncan
                                 4 hrs OT @ 34.00 = $136.00
             Res Sgt Granger
                                 3 hrs - non paid
             Res Ofc. Wesel
                                 3 hrs - non paid
             Res Ofc. Peters
                                 3 hrs - non paid
             Res Sgt. Meinhart
                                 3 hrs - non paid
             Res Ofc. Weber
                                 3 hrs- non paid
Foot patrol detail
     1100-1300 hrs
             Sgt. Kaufman
                                 2.5 hrs OT @$46.81 = $117.02
     0900-1400 hrs.
             Ofc. Eskew
                                5 hrs OT @ $34.00 = $170.00
             Ofc. Wommack
                                5 hrs OT @ $34.00 = $170.00
     1345-1800 hrs.
             Ofc. Carmon
                                4 1/4 hrs OT @34.00 = $144.50
             Ofc. Gill
                               4 1/4 hrs OT @34.90 = $144.50
     1745-2300 hrs.
             Res. Lt. Freedland 5 1/4 hrs non-paid
             Res Sgt. Meinhart 5 1/4 hrs non-paid
             Res Ofc. Quinby
                               5 1/4 hrs non-paid
             Res Ofc. Peters
                                5 1/4 hrs non-paid
Sunday August 5
     1000-1400 hrs. all officers on regular duty time
             Ofc. Duncan
                               4 hrs. @ 22.63 = $90.52
             Ofc. Grahn
                              4 hrs. @$22.63 = $90.52
     1400-1800 hrs. all officers on regular duty time
            Ofc. Grahn
                              4 hrs. @$22.63 = $90.52
            Ofc. Napieralski
                              4 hrs @$22.63 = $90.52
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99

TOTALS

(*Note: \$362.08 was regular duty; remainder was overtime.)

* **\$1,924.58**

City of Tigard FY 2002-03

Community Event Grant Requests

03/01/2002

Target (based on proportional share of policy set-aside) = \$41,215

	FY 1998-99	FY 1999-00				
Agency	Actual	Actual	Actual	Adopted	Requested Re	commended
Art Resources of Tigard (ART)						
Direct					7.500	
In-Kind					7,500	
Broadway Rose						
Direct	8,244	10,000	10,000	10,000	10,000	
In-Kind						
Festival of the Balloons						
Direct	5,778	10,000	10,000	10,000	10.000	
In-Kind	5,776	10,000	10,000	10,000	10,000	
Killid						
Tigard 40th Birthday						
Direct	0	0	0	2,000		
In-Kind			•	1,000		
Timond Dioxa				•		
Tigard Blast	2	_	_			
Direct	0	0	0	5,000	5,000	
In-Kind						
Tigard Country Daze						
Direct	3,444	1,000	0	0		
In-Kind		•				
Tigard 4th of July						
Direct	4,500	7,500	7,500	7 500	7.500	
In-Kind	4,500	7,500	7,500	7,500 1,600	7,500 1,600	
				1,000	1,600	
Tigard High Graduation Ceremony						
Direct	500	500	500	500	1,000	
In-Kind					1,000	
Tigard Recreation Association (TRA)						
Direct					800	
In-Kind					94	
					94	
Train Days						
Direct	2,500	0	4,000	0		
In-Kind						
Tualatin Riverkeepers						
Direct	0	1,000	1,710	2,000	3,000	
In-Kind	J	1,000	1,710	2,000 500	5,000 500	
				ວບປ	ວບບ	
Tualatin Valley Community Band						
Direct	1,122	1,200	1,250	1,850	1,850	
In-Kind		•	,	.,	103	
Total						
Direct	26,088	31,200	34,960	38,850	46 FEO	
In-Kind	20,000		J -1 ,∃UU	3,100	46,650 2,297	-
		-	-	3, 100	2,291	-

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OR 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event Name:

Tigard Public Mural

Address:

12828 SW Walnut Street

Tigard, OR 97223

Contact:

Chris Lewis, ART Resources of Tigard, Chair

Telephone Number 503-590-5890

1. Total Request \$7,500 Cash

2. Purpose of Funding Request

For the design, development and coordination of a public mural in downtown Tigard.

3. Please submit the following with this request:

- a. Detailed budget ART is a volunteer only organization with no overhead or paid representatives. As such, we have no organizational budget. Instead, we are supplying an actual budget from a project we oversaw in 2001 for your reference.
- b. Audit report or financial statements for the last fiscal year Not applicable.
- c. 501(c)(3) status Pending, papers have been filed, awaiting TIN.
- d. Organization Bylaws Included



The mission of ART is to facilitate all forms of artistic expression in the Tigard Community.

February 7, 2002

Honorable Mayor Jim Griffith City Council Members City of Tigard

RE: Budget Request for ART Public Mural Project

Dear Mayor and Councilmembers,

On behalf of the Art Resources of Tigard (ART) organization, please consider this letter formal request for consideration for City of Tigard funds to develop a community Public Mural.

ART is seeking an \$7,500 grant from the city to complete the public art project described herein.

The ART organization has been in communication with City Council and staff regarding the development of a public art program as well as for this specific endeavor since early 2000.

The following pages are a summary of project information previously shared with city staff, along with new information from which we hope you can base a decision regarding funding.

I. BACKGROUND

On January 18, 2000, City staff made a report to City Council regarding a proposal to produce a large public mural near Tigard and Main Streets. At that time, Council directed staff to gather information about successful mural projects in the other communities to aid in determining if that type of initiative would be suitable for Tigard.

The results of that information gathering were presented at the March 13, 2001 City Council meeting. In June of 2001, an survey was included in Cityscape to assess the community's thoughts about different forms of art.

Response to the survey was promising. Of those that responded:

- 72% have lived in communities that offered active arts programs
- 56% participated in those arts programs
- 76% believe that art programs contributed to the quality of life in those communities, and
- 54% feel that Tigard does not have adequate art or cultural opportunities

Projects such as the proposed mural provide opportunities for the City to partner with other Tigard organizations and residents, provide an aesthetically pleasing element to a central location in Tigard and give the community an opportunity to take part in an artistic creation that many will enjoy.

Since these discussions commenced in 2000, ART has established a board of directors, filed for non-profit status and held a successful poster competition for CF Tigard.

Council has consistently expressed support of the concept of community art Projects and ART would like to make the City of Tigard's first public art project a reality.

II. ART LEADERSHIP

ART is led by a board of directors that represent a cross section of the Tigard residential and business community and have either a professional or personal interest in a broad range of arts. A list of ART committee members and supporters is attached.

III. THE MURAL PROJECT

In recent years, Council has had several goals that this public mural initiative project could help achieve.

First, the City of Tigard has aspired to improve the downtown commercial district to attract more visitors to the area. Additionally, the city has sought different ways that individuals could become more involved in their community through volunteerism. A third goal has been focused students and education.

We believe that this project would provide opportunities to positively impact each of those three areas while at the same time promoting art in public spaces with a minimal investment

Comprised of a team of local residents, business people, students, and artists, ART seeks to further promote the initiative of fostering public art in Tigard by overseeing the design and development of a mural in the downtown Tigard area.

Members of the Tigard community would have the opportunity to participate in many facets of this project though coordination by ART leadership. A high level project outline is included with this application.

V. ESTIMATED COSTS

Budget Item	Estimated Cost
Project Manager and Administrator	\$4,000
Artist	\$4,000
Preliminary Design and Prototype	\$750
Materials - Paint	\$1,750
Materials – Painting Equipment	\$2,500
Scaffolding/Lighting	\$1,000
Insurance	\$1,000
TOTAL	\$15,000

VI. FUNDING RESOURCES

ART's goal is to obtain

- 50% of this funding through a city grant
- 25% from additional community contributions and major businesses
- 25% in in-kind donations

VII. ESTIMATED TIMELINE

This effort will require 9 months to complete from the date the project commences. Our plan is to commence detailed planning and artist selection criteria July 1, 2002 with an estimated completion of April, 2003 and to coincide the dedication of this project with a major city event.

IX. CONCLUSION

ART thanks the Council for their consideration. We would be happy to have a representative available at the appropriate budget hearing or Council meeting to answer any questions if necessary.

Regards,

Chris Lewis

Chair

ART Resources of Tigard

ART Resources of Tigard PRELIMINARY PROJECT OUTLINE

Public Mural Initiative – February, 2002

I. Proposed Public Art Project – Public Mural

This goal of this initiative is to contribute to the *Tigard Beyond Tomorrow* Community Character and Quality of Life Goal while also providing a means of involving citizens in the life of the community.

II. Site

The east facing wall of the Chamber of Commerce building on Main Street, overlooking the railroad tracks and planned commuter rail. This site will be highly visible to those visiting the heart of Tigard's downtown area and to those passing through our city by the train.

III. Community Involvement

- 1. Artist Selection Panel will be composed of:
 - Local citizens
 - Artists
 - Representatives of the school district
 - Representatives of the business community
 - City of Tigard
- 2. Execution of the piece:
 - Efforts will be made to include some public involvement in the creation of the mural.
- 3. Fund raising efforts to include:
 - Request grant from City of Tigard
 - Grants or donations
 - Gifts-in-kind
 - Fund raising events

IV. Mural Development Process - High Level

- 1. Establish an artist Selection Panel
 - Selection Panel will:
 - Define goals and implement of the project management guidelines
 - Determine scope of community involvement
 - Identify suitable mural types for the site
 - Invite artists to apply, or oversee an open competition
 - Interview candidate artists
 - Enter into a contract with the selected artist
- 2. Develop a list of candidate artists and invite them to apply, or announce an open competition. (Note, the latter option will extend the time line of the project by three months.)
- 3. Interview artists
- 4. Commission preliminary sketches from leading candidates
- 5. Select the artist and enter into a contract.
- 6. Artist to complete the mural design process

- 7. Design and execute the mural with organized community assistance.
- 8. Organize dedication and celebration, ideally in conjunction with a larger community event
- 9. Evaluate the project, prepare project completion report.
 A successful project could lead to additional public art projects using different media, in different locations, additional student and citizen involvement.

V. Estimated Timeline

Task	Estimated Completion Date		
Form Selection Panel	June 1,2002		
2. Solicit Applications	October 1, 2002		
3. Conduct Artist Interviews	November 1, 2002		
4. Evaluate Preliminary Sketches	December 1, 2002		
5. Select Artist	January 1, 2003		
6. Complete Mural	April 1, 2003		

VI. Estimated Budget

Budget Item	Estimated Cost
Administrative Costs	\$4,000 (\$20.00 per hour x 200)
Artist	\$4,000
Preliminary Design and Prototype	\$750
Materials - Paint	\$1,750
Materials – Painting Equipment	\$2,500
Scaffolding/Lighting	\$1,000
Insurance	\$1,000
TOTAL	\$15,000

VI. Community Partners

- Tigard-Tualatin School District 23-J
- Tigard Area Historical and Preservation Association
- Tigard Chamber of Commerce
- Tigard area service organizations

ART

Art Resources of Tigard

C. F. Tigard Elementary School Fund-Raiser Budget- 2001

Cost:	20 fr	ames @ \$63.00 ea	= \$1,260
	Print	ing of 1000 copies	= \$1,000
		larship 1 st place =	\$ 200
	Scho	larship 2 nd place =	\$ 100
	Shin	ing Star Tables (2)	= \$ 700
			\$3,260
Donat	ions:	Cash	\$1,970
		In Kind	\$1,290
			\$3,260

A list of individual contributors can be given per request.

ART Art Resources of Tigard BYLAWS

ARTICLE I: PURPOSE

The organization shall be operated exclusively for charitable, Literary, educational and artistic purposes. Subject to the limitations stated in the Articles of Incorporation, the purposes of the corporation shall be to engage in any lawful activities, none of which are for profit, for which corporations may be organized under chapter 65 of the Oregon Revised Statues(or its corresponding future provisions) and Section 501©(3)of the Internal Revenue Code of 1954 (or its corresponding future provisions)

This corporation's primary purpose shall be to facilitate all forms of artistic expression in the Tigard Community.

ARTICLE II: NONMEMBERSHIP

This corporation shall have no members.

ARTICLE III: BOARD OF DIRCETORS

Section 1. Duties. The affairs of the corporation shall be managed by the Board of Directors.

Section 2. Number. The number of Directors may vary between a minimum of 5 and a maximum of 15.

Section 3. Terms and Elections. The term of office for Directors shall be two years. Initial directors will serve one to two years, terms to be staggered. A Director may be re-elected without limitation on the number of terms he/she may serve. The Directors shall elect their own members, except that a Director shall not vote on his/her own position. Nominating committee will be named by the Chairperson at the October meeting to nominate prospective officers and committee chairs. Election of new officers and committee chairs to be in December.

Section 4. Removal. Any director may be removed, with or without cause, by a vote of two-thirds of the Directors in office.

Section 5. Vacancies. Vacancies on the Board of Directors and newly created board positions will be filled by a majority vote of the Directors then on the Board of Directors.

Section 6. Regular meetings of the Board of Directors shall be held at the time and place to be determined by the Board of Directors. No other notice of the date, time, place, or purpose of these meetings is required. Any interested person may attend these meetings.

Section 7. No Salary. Directors shall not receive salaries for their Board services, but may be reimbursed for expenses related to Board serve.

ARTICILE IV: COMMITTEES

Section 1. Executive Committee. The Board of Directors may elect an Executive Committee. The Executive Committee shall have the power to make ongoing decisions between Board meetings and shall have the power to make financial and budgetary decisions.

Section 2. Other Committees. The Board of Directors may establish such other committees as deems necessary and desirable. Such committees may exercise functions of the Board of Directors or may be advisory committees.

Section 3. Limitations on the Power of Committees. No committee may authorize payment of income or profit of organization to its Directors or Officers; may approve dissolution, or transfer of all or substantially all the organization's assets; may elect, appoint, or remove directors or fill vacancies on the board or any of its committees; may not adopt, amend, or repeal the Articles, Bylaws, or any resolution by the Board of Directors.

ARTICLES V: OFFICERS

Section 1. Titles. The officers of this Organization shall be the Chairperson, Vice Chair, Secretary and Financial Officer.

Section 2. Election. The Board of Directors shall elect the Officers to serve a two year term. The vacancy of a Officer position shall be filled not later than the next regular meeting.

Section 3. The duties of the Chairperson shall be:

- A.) To schedule meetings.
- B.) To prepare the agenda
- C.) To preside at the meetings
- D.) To be the spokesperson for the Organization

The duties of the Vice Chair shall be:

- A.) To assume the duties of the Chair in the Chairs absence
- **B.)** To Coordinate all standing committees

The duties of the Secretary

- A.) To facilitate the production and distribution of executive committee minutes.
- B.) To handle correspondence

The duties of the Financial Officer

- A.) To keep an accurate and complete accounting of donated funds.
- B.) To report monthly basis to Executive Board.

ARTICLE VI: AMENDMENTS TO BYLAWS

These bylaws may be amended or repealed, and new bylaws adopted, by the Board of Directors, by majority vote of the directors present, if a quorum is present. Prior to the adoption of the amendment, each director shall be given at least two days notice of date, time, and place of the meeting at which the proposed amendment is to be considered, and notice shall state that one of the purposes of the meeting is to consider a proposed amendment to the bylaws and shall contain a copy of the proposed amendment.

ART Supporters 2001-2002

ART Executive Committee				
First Name	Last Name	Role	Area of Interest	Affiliations
Chris	Lewis	ART Chair	Music	TVCB Board, THS Site Council
Pam	Erown	ART Finance Director	General	West Coast Bank, Chamber Liaison
Ana	Ammann	Director At Large	Music, Writing	Sybase, Inc, Parent
ART Board Members	Last Name	Residency	Area of Interest	Affiliations
Barb	Dusevoir	Tigard	General	TTSD, Parent
Barb	Forrest	Tigard	Painting/Ceramics	Artist, Portland Sat.Mkt.
Rob	Forrest	Tigard	Painting/Ceramics	Artist, Portland Sat.Mkt.
Susan	Koepping	-	General	City of Tigard Liaison
Kathy	Palmer	Tigard	General	TAHPA
Gary	Romans	Tigard	Theatre	Community Theatre Advocate
Deborah	Shapiro	Tigard	Ceramics	Artist
Lisa	Thun	Tigard	General	Artist, Writer
ART Community Supporters				CLEANING CONTRACTOR
Susan	Baker			Fowler Middle School
Yvonne	Brod			TAHPA
William	Burton			
Jerry	Cach			
Gregg	Davidson			
Kate	Dormer			Main Street Business Association
Wendy	Dunder			Artist
Barb	Dusevoir			PSO - CF Tigard
Judy	Forowitz			
Susan	Koepping			
Chris	Lewis			
S. Carolyn	Long			Chamber Director
Kathy	Palmer			ТАНРА
Jim	Polson			
Jan	Rimmerman			Artist, HS Rep
John	Stacy			
Susan	Stark-Haydon			Tigard-Tualatin School District
Trish	Stormant			Tigard Library
ART Local Business Support				
Chrisman Picture Frames				
Right Angle				
Southwest Office Supply				
TAHPA				
Tigard AM Rotary				
Tigard Chamber of Commerce				
Tigard Library				
West Coast Bank				
Cascade Centers				
Davidson Dining				

		AGENDA ITEM#
CITY OF TIGARD, OREGON	N COUNCIL AGENDA ITEM SUMM	FOR AGENDA OF Month 12 2001
1330E/AGENDA TITLE Upd	ate on progress toward Public Art in Ti	gard
PREPARED BY:	DEPT HEAD OK	CITY MGR OK
A group of community member Tigard. Their presentation is in	ISSUE BEFORE THE COUNTY has been meeting to establish a basis stended to inform the Council of progress	for possible former 11'
	STAFF RECOMMENDATION	ON
City Council continues to be su	pportive of the concept of public art in t	the Tigard community.
Business District, parents, studelements of possible public art public art public School students who hisland at the newly-configured in	dents, artists and the City of Tigard I projects in Tigard. The committee has a lave been researching some possible some possible of Walnut and Tiedeman Subsection information about their efforts.	ns including Tigard-Tualatin School District de Preservation Association, Tigard Central have continued meeting to discuss various also been acting as a resource for the Fowler auggestions for a piece of art on the traffic reets. Representatives of the KISS (Kids In Pam Brown, representing the Public Art
	OTHER ALTERNATIVES CONSI	DERED
None		
VISION '	TASK FORCE GOAL AND ACTION	COMMITTEE STRATEGY
	fectiveness of the volunteer spirit to ac	
	FISCAL NOTES	
None	·	

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Public Art

The Tigard community would benefit from artworks displayed in a variety of places throughout the area. These works of art would contribute to the local quality of life, and provide opportunities for adult and youth community members to contribute to their city.

Background:

Approximately 10-15 years ago an existing Tigard - Tualatin arts committee disbanded. Since then, there has been no community-wide group focusing on the development of community art pieces. At the beginning of his second term of office, Mayor Jim Nicoli enthusiastically articulated a vision of public art in the Tigard community. He foresaw art in several formats including murals, sculpture and movable temporary panels. About that same time, the merchants in the vicinity of Main Street began working together to increase the viability of the businesses in that area including different means of bringing people into that area.

On January 18, 2000, City staff made a report to City Council on the idea of producing a large mural on the concrete panels under Highway 99 where it passes over the railroad tracks near Tigard and Main Streets. Council directed staff to gather information about successful murals projects in the other communities and suggested that other local sites be investigated. The concrete panels under Hwy. 99 were considered too dark and not sufficiently visible except to drivers and pedestrians on Tigard Street. The Council supported the concept of community art projects as opportunities for the City to partner with other Tigard organizations and with individuals, and the possibility of involving citizens who might be attracted to artistic endeavors.

Following the Council's direction, the Volunteer Coordinator visited two communities that have had long-term community mural programs and contacted 3 other communities by phone. Everyone contacted in those communities was enthusiastic about the murals in their cities. Consensus was that community members, for the most part, liked the murals – the concept of the large art works, the content and the execution. One community documented an increase in visitors to the part of town where the murals were located. Each community had a citizen committee that made decisions regarding content and location of the artworks, selected the artists and helped raise the necessary funding. In nearly every instance, the murals were painted on private property. Sometime the property owner signed a contract agreeing to keep the wall and the art in place for a specified number of years and some property owners contributed part of the cost.

Last spring, an ad hoc committee in Tigard began meeting periodically to explore a variety of issues involving public art projects. Participants include representatives of the Tigard-Tualatin School District, the Tigard Chamber of Commerce, the Tigard Central Business District, Tigard Area Historical Preservation Association, 2 local

artists, an art teacher, parents of local school children and, recently, 2 students from Fowler Middle School. All members of the ad hoc committee enthusiastically support moving forward with an initial project. Criteria are being recommended, and sites and possible content have been suggested. Outcomes so far include:

Philosophy:

- 1. Art is important throughout an individual's life and throughout the life of a community.
- 2. Art projects could be opportunities to involve community members in a variety of ways; perhaps in the research, design, execution, funding, or the maintenance of the piece. The extent and type of involvement would vary depending upon the project and the artist.
- 3. Art projects are opportunities for mentorship, intergenerational activity, and the success of individuals, groups and the community as a whole.
- 4. Each art piece can be seen as a project in itself as well as part of a broader program of public art in Tigard.
- 5. A community-based selection committee would be responsible for selecting the artist, content, location and medium of each piece.

City of Tigard's Role:

- 1. Provide a staff liaison to serve as an active member of the ad hoc committee.
- 2. When appropriate, allow participation of a staff person who can provide technical information regarding municipal codes, ordinances and other legal requirements.
- 3. If an art piece is considered for placement on public property, participate in decisions regarding site preparation, security and maintenance.
- 4. Provide financial or in-kind support, if requested
- 5. Provide publicity through the *Cityscape* and reports from the community-based committee in the public forum of City Council meetings.

Criteria for art work:

- 1. Content would reflect the history, character and uniqueness of Tigard
- 2. Art could be permanent, long lasting or temporary
- 3. Art could be placed on private or public property
- 4. Finished projects would be professional in appearance and a source of pride for the community.
- 5. Continuity among individual pieces could still incorporate a variety of styles and media.
- 6. Project development will consider the need for maintenance of the piece.

Possible sites:

- 1. Large highly visible blank walls on private property for murals (example: the Tigard Sub Shop on Main Street)
- 2. Traffic island on Walnut and Tiedeman intersection

- 3. Concrete supports under Hwy 99 at Tigard Street
- 4. Buildings on Hwy 99, such as Grange and the old TTSD Administration Building
- 5. Right-of-way sites where travelers enter or exit Tigard for portal signs
- 6. Sculpture in parks

Resources: (funding, supplies, equipment, talent, labor, in-kind donations)

- 1. Local businesses and service groups
- 2. Tigard-Tualatin School District, including the Art-After-Hours program
- 3. Local artists
- 4. County and Regional resources such as Regional Arts and Culture Council
- 5. City of Tigard
- 6. Additional sources as yet unknown

Suggested tasks for 2001

- 1. Conduct a community survey: Although the committee participants are excited and supportive of the idea of public art, a community-wide survey would elicit comment and, hopefully, participation from the larger population. The survey could be distributed in and issue of *Cityscape*.
- 2. Encourage the Fowler Middle School students to continue developing an idea for a piece of art on the Walnut/Tiedeman traffic island including working with City of Tigard and Tigard-Tualatin School District staff.
- 3. Begin researching a large public mural reflecting Tigard's primary streets and buildings as they appeared in the early 1900's.
- 4. Investigate the advantages and disadvantages of forming a non-profit organization specifically for the future development of public art in Tigard.

Council Goal:

The City of Tigard will coordinate the efforts of a community-based Public Art Committee to develop public art in Tigard.

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January 15, 2002

Craig Prosser, Finance Director City of Tigard 13125 SW Hall Blvd Tigard, OR 97223

Dear Craig,

Enclosed please find an application for funding from The Broadway Theatre Company in the amount of \$10,000. In producing professional summer theatre, the Broadway Rose has been very fortunate to receive tremendous support from its community and is grateful to the City of Tigard for its role in ensuring the availability of affordable professional theatre.

The Broadway Rose Theatre celebrated it 10th season in 2001 and is thrilled to report a tremendous success. Artistically, the productions exceeded all expectations and ticket sales jumped an extraordinary 43% over the previous summer. The successes of 2001 have prepared us for another big season and we are anxiously looking forward to producing *The Will Rogers Follies, Flaming Idiots* (a Pacific Northwest premiere) and *Forever Plaid*.

Thank you for your consideration of this application. If you have any questions regarding this application, please don't hesitate to call me at 503-620-5262.

Maroney

Sincerely,

Sharon Maroney Artistic Director

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event Name:	ent Name: The Broadway Rose Theatre Company 2002 Season	
Address:	PO Box 231004	
City, State, Zip:	Tigard, OR 97281	
Contact Name:	Sharon Maroney, Artistic Directo	DΓ
Telephone Number:	503-620-5262	
l. Request (exp	ress in whole dollar amounts only)	
Cash		\$ 10,000
In-Kind Serv etc. Please explain	ices (use of City property, City staff support, n the services requested on a separate sheet)	\$ 0
Total Reques	t	\$ 10,000

2. Purpose of Funding Request:

Funding from the City of Tigard will support The Broadway Rose Theatre Company's 2002 summer season in residence at the Deb Fennell Auditorium in Tigard. The Broadway Rose is the only professional theatre company in Washington County and will be producing its 11th season in 2002. The season will include *The Will Rogers Follies, Flaming Idiots*, and *Forever Plaid*. In addition, two Children's Theatre productions will be performed, two sessions of Drama Camp will be held and local high school students will be hired as technical and performing interns.

- 3. Please submit the following information with this request:
 - a. Detailed budget, including FY 2000-01 actual expenditures, FY 2001-02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - b. Audit report or financial statements for the last fiscal year.**
 - c. Articles of Incorporation.*
 - d. 501(c)(3) status.*
 - e. Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

The Broadway Rose Theatre Projected 2002			2	Dated 1/12/02	kind
Exposes	Costumes/Wigs	\$	7,800.00	\$	kind 150.00
Expenses	Sets	\$ \$	35,000.00	\$ \$	1,000.00
	Royalties	\$	17,400.00	Φ	1,000.00
	Props	\$ \$	1,800.00		
	•	\$ \$	2,400.00		
	Lights Sound	\$ \$	5,000.00		
		\$ \$	2,000.00	c r	2 600 00
	Housing Administrative	э \$	70,800.00	\$ \$	3,600.00 37,000.00
	Holiday Show in Tualatin	\$ \$	35,000.00	Φ	37,000.00
	Travel	φ \$	1,770.00		
	Net Wages	\$	63,000.00		
•	Orchestra		7,650.00		
	Federal Taxes	\$ \$	17,000.00		
	State Taxes	\$ \$ \$	7,000.00		
	W.Comp/Insuran.	\$	11,390.00		
	Advertising	\$	44,160.00	\$	2,000.00
	Office	\$	4,500.00	\$	3,000.00
	Auditions	\$	350.00		•
	Telephone	\$	2,160.00		
	Rent/Storage	\$	9,400.00	\$	10,000.00
	Organis. Dues	\$	2,000.00		
	Bank Fees	\$	2,000.00		
	Concessions	\$	1,510.00		
	Fundraising	\$	500.00		
	Staff Development	\$	600.00		
	Classes	\$	1,400.00		
	Amenities	\$	290.00		
	Development Fund	\$	19,870.00	_	
	Total Expenses	\$	373,750.00	in-kind \$	56,750.00
Revenue	Individual Contributions	\$	16,000.00		
	Summer Tickets	\$	174,000.00		
	Holiday Tickets	\$	40,000.00		
	Interest	\$	500.00		
	Performance -promo	\$	150.00		
	Event - Fundraiser	\$	3,500.00		
	Grants	\$	69,000.00		
	Corporate	\$	49,000.00		
	Refunds	\$	500.00		
	Class/Drama Camp	\$	6,000.00		
	Raffle & Souvenirs	\$	2,100.00		
	Concessions	\$	3,000.00	_	
	Total Revenue	\$	363,750.00		

Amount requested The City of Tigard \$10,000

The Broadway Rose Theatre Actual 2001

			In-Kind
EXPENSES	Costumes/Wigs	\$14,454.70	\$150.00
	Sets	\$38,605.59	\$1,500.00
	Royalties	\$18,871.56	
	Props	\$1,685.49	
	Lights & Sound	\$5,100.26	
	Housing	\$2,487.53	\$3,600.00
	Administrative	\$47,432.75	\$37,000.00
	Travel	\$1,758.34	
	Net Wages	\$74,840.18	
	Orchestra	\$7,965.00	
	Federal Taxes	\$20,332.50	
	State Taxes	\$5,829.03	
	W.Comp/Insuran.	\$11,820.20	
	Advertising	\$26,350.71	\$2,000.00
	Qffice	\$3,674.02	\$2,000.00
	Auditions	\$386.00	
	Telephone	\$2,257.58	
	Rent/Storage	\$10,661.00	\$10,000.00
	Postage	\$6,260.72	
	Organiz. Dues	\$1,239.00	
	Bank Fees	\$2,522.75	
	Printing	\$6,967.12	\$1,500.00
	Concessions	\$1,389.40	
	Souvenirs	\$661.00	
	Fundraising	\$237.65	
	Staff Development	\$1,007.00	
	Classes	\$55.00	
	Amenities	\$1,238.32	
	Raffle	\$55.69	
	Development fund	\$20,000.00	
	TOTAL EXPENSES	\$336,146.09	\$57,750.00
REVENUE	Individual Contributions	\$14,705.00	
	Tickets	\$196,579.45	
	Interest	\$632.91	
	Promo/Rental	\$725.00	
	Fundraising Events	\$1,515.00	
	Grants	\$88,790.00	
	Corporate	\$48,240.00	
	Refunds	\$986.73	
	Class/Drama Camp	\$5,737.50	
•	Raffle	\$2,343.00	
	Souvenirs & Concessions	\$3,748.24	
	TOTAL REVENUE	\$364,002.83	

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

			a Chile is		
Event	t Name:	TIGARD FASTIVAL O			
Addro	ess:	11575 SW. PACIFIC	1-Juy # 131		
City,	State, Zip:	TIGARD ORAGON	97223		
Conta	act Name:	BRUCK Ellis			
Telep	hone Number:	503 519 G108			
1.	Request (expr	ess in whole dollar amounts only)			
	Cash		\$ 10,000 -		
	In-Kind Servi etc. Please explai	ices (use of City property, City staff support, n the services requested on a separate sheet)	\$		
	Total Request	İ	\$		
2.		anding Request:			
	To the	RIP PRODUCK A CIVI	IC KURNT FOR		
	7164	RD. TO HALP KSE	D THE RUNIT		
	lus 8	WITH NO COWEN CA	IDNGE.		
3.	Please submit the following information with this request:				
	a. Detaile	ed budget, including FY 2000-01 actual of	expenditures, FY 2001-		

- - 02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - Audit report or financial statements for the last fiscal year.** b.
 - c. Articles of Incorporation.*
 - d. 501(c)(3) status.*
 - Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

	1999	2000	(2001 Budget	2001	(2002 Budget	2002 (2003 Budget)
Beginning Balance	122.22	5,331.32	5,000.00	4,500.00	5,000.00	3,000.00 5,000.00
Civic and Media Sponsors	94,480	94,965.00	110,000.00	96,500.00	110,000.00	90.000.00
Souvener sales	10,126.00	0	0	0	0	0
Vendors	1,255.00	2,400.00	3,000.00	3,150.00	3,000.00	3,000,00
Carnival	27,290.02	24,860.00	29,000.00	27,800.00	29,000.00	29,000.00
Paarking	7,057.00	7,000.00	7,000.00	7,000.00	7,000.00	5,000.00
Refunds	180.11	0	0.00	0.00	0.00	0.00
City of Tigard	5,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Total Cash Available	145,510.35	144,556.32	159,000.00	148,950.00	159,000.00	142,000.00
Pilot awards and Housing	17,857.12	23,642.86	25,000.00	19,650.00	25,000.00	25,000.00
Restrooms, Waste water	5,210.00	5,210.00	5,500.00	6,250.00	5,500.00	5,500.00
Field Setup	19,801.53	18,458.62	20,000.00	22,700.00	20,000.00	23,000.00
Entertainment	38,204.95	32,290.00	44,000.00	40,420.00	44,000.00	44,000.00
Security	3,323.18	2,890.00	3,000.00	2,430.00	3,000.00	3,000.00
Insurance	5,685.00	6,659.00	7,000.00	8,000.00	7,000.00	8,300.00
Support Admin. And Fees	13,251.40	11,500.00	8,000.00	10,000.00	8,000.00	11,000.00
Office exp.	7,150.63	8,800.00	5,000.00	4,200.00	5,000.00	4,200.00
Supplies	14,454.51	11,330.00	12,000.00	9,000.00	12,000.00	9,000.00
Misc.	3,245.00	3,890.00	1,000.00	1,000.00	1,000.00	1,000.00
Promo, and Advertising	8,750.71	10,070.66	12,000.00	13,000.00	12,000.00	11,000.00
Dues	125.00	1,125.00	1,200.00	1,250.00	1,200.00	1,200.00
Red Cross/First Aid	1,120.00	1,450.00	1,700.00	0.00	1,700.00	0.00
Donations to charities	2,000.00	11,000.00	10,000.00	8,000.00	10,000.00	8,000.00
TOTAL	140,179.03	148,316.14	155,400.00	145,900.00	0.00	

Our tax ID # is 91-1811147 Not For Profit. We are resubmitting our application to the IRS. We have had a board member leave and are in the process of replacing him and will also be making a few changes to our bylaws to reflect the contents of our agreement with the city.

INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201 DEPARTMENT OF THE TREASURY

Date: MAR 1 6 2001

TIGARD FESTIVAL OF BALLOONS INC 11575 SW PACIFIC HWY #131 TIGARD, OR 97223 Employer Identification Number: 91-1811147 DLN: 17053327062000 Contact Person: LISA M VAN DER SLUYS ID# 95264 Contact Telephone Number: (877) 829-5500 Internal Revenue Code Section 501(c)(4) Accounting Period Ending: December 31 Form 990 Required: Yes Addendum Applies: No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any time in each of 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment, or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

TIGARD FESTIVAL OF BALLOONS INC

month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual information return. Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Donors may not deduct contributions to you because you are not an organization described in section 170(c) of the Code. Under section 6113, any fundraising solicitation you make must include an express statement (in a conspicuous and easily recognizable format) that contributions or gifts to you are not deductible as charitable contributions for Federal income tax purposes. This provision does not apply, however, if your annual gross receipts are normally \$100,000 or less, or if your solicitations are made to no more than ten persons during a calendar year. The law provides penalties for failure to comply with this requirement, unless failure is due to reasonable cause.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt

TIGARD FESTIVAL OF BALLOONS INC

status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Steven T. Miller

Director, Exempt Organizations

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event N	Vame:	TIGARO BLAST	
Addres	s:	TIGARD CENTRAL BUSINESS DISTRICT ASS CO 12485 SW MAIN ST. TIGARD, OR 97223	N.
City, St	ta ĺ e, Zip:		
Contact	t Name:	TYLER ELLENSON / MIKE MARR	
Telepho		503 - 639 - 5588 503 - 624 - 2975	
1.	Request (expr	ess in whole dollar amounts only)	
	Cash	\$ 5,000	
		ces (use of City property, City staff support, support, the services requested on a separate sheet)	
	Total Request	\$	
2.	Purpose of Fu	unding Request: ARD BLAST - SUMMER COMMUNITY DOLUNTOWN EVENT	

- 3. Please submit the following information with this request:
 - a. Detailed budget, including FY 2000-01 actual expenditures, FY 2001-02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - b. Audit report or financial statements for the last fiscal year.**
 - c. Articles of Incorporation.*
 - d. 501(c)(3) status.*
 - e. Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

Tigard Central Business Association, Inc.

A Not for Profit Corporation FIN 93-1268974

(503) 624-2975 First Bank of Tigard Building 12420 S. W. Main Street Tigard, Oregon 97223

February 4, 2002

Mr. Craig Prosser Finance Director City of Tigard 13125 S.W. Hall Blvd. Tigard, Oregon 97223

Dear Craig,

The Board of Directors of Tigard Central Business District Association, Inc., a Not for Profit Corporation, submit this letter with enclosures our Funding Request for the Fiscal Year 2002 - 2003.

To the criteria for funding, we submit the following comments:

- (1) The Tigard Blast celebration is primarily for Tigard area residents
- (2) This event is open to all citizens
- (3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment and activities
- (4) With one annual event successfully accomplished by this organization, we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending
- (5) As with item (4), the Board of Directors feel that our success for one year, and the records we have kept, demonstrate an ability to reach our goals and keep within reasonable budget commitments
- (6) Financial Statements are prepared and submitted.

Craig Prosser City of Tigard February 4, 2002 Page 2

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement our of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look District forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of \$5,000.00 for the 2001/2002 fiscal year. For the fiscal year 2002/2003, the Board of Directors of Tigard Central Business District Association, Inc. requests \$5,000.00 in contribution from the City of Tigard. This is the same as was approved last year and we find it to be an adequate amount to ensure the success and continuation of the Tigard Blast celebration.

With regards to City in-kind contributions, we have identified the following impacted areas:

Public Works - estimated costs have not been determined

Police Department - The Police Department is advised of the event and incurs cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - estimated costs have not been determined

Should have questions about any of the above, please contact me for assistance.

Sincerely.

R. Michael Marr

Treasurer

RMM/dbm

Enclosures

CC: Board Members

TIGARD CENTRAL BUSINESS DISTRICT ASSOCIATION

December 31, 2001

GENERAL LEDGER - GENERAL FUND 2001

)ate	Ck/JE	Description	n	Account	Debit	Credit	Period Change	Year to Date
		Tigard Bla	st Revenue & Expense					
		Summary	from General Ledger 2001					
		Revenue Revenue Revenue Revenue	,			(16,118.19) (700.00) (2,025.00) (6,817.50)		Blast (Sponsor) Blast (Food Vendor) Blast (Vendor) Blast Other
			Total Revenue			(25,660.69)		
		Expense Expense Expense Expense Expense Expense Expense Expense Expense	•		8,274.00 1,003.26 410.00 47.56 100.00 1,867.92 6,322.50 585.34 871.00			Entertainment Blast T-Shirts Security Supply Misc. Advertising Equipment Rental Electrical Rental Sanitation
			Total Expense		19,481.58			
			Net Revenue (Gain) Loss			(6,179.11)		

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event l	Name:	TIGARO	474	OF	JUL	4 0	ELEBR.	A 770N
Addres	ss:	TIGARD 4	THE OF	JUL:	ν, <i>).</i> τ.	Ne.		<u>_</u>
City, S	tafe, Zip:	TIERRO,	On 97	1223				
Contac	et Name:	MIKE I	NANR					
Teleph	one Number:	503-624	1- 2975					
1.	Request (exp	ress in whole dol	lar amounts	s only)				
	Cash					\$	7,500	00
		ices (use of City pr				\$	1,600	
	Total Reques	t				\$	9,100	oo.
2.	Purpose of F	unding Request	: 14 Ci	TC TB	8 /2 /3 T	لده		

- 3. Please submit the following information with this request:
 - a. Detailed budget, including FY 2000-01 actual expenditures, FY 2001-02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - b. Audit report or financial statements for the last fiscal year.**
 - c. Articles of Incorporation.*
 - d. 501(c)(3) status.*
 - e. Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

Tigard 4th of July, Inc. A Not for Profit Corporation FIN 93-1031978

(503) 624-2975 First Bank of Tigard Building 12420 S. W. Main Street Tigard, Oregon 97223

February 2, 2002

Mr. Craig Prosser Finance Director City of Tigard 13125 S.W. Hall Blvd. Tigard, Oregon 97223

Dear Craig,

The Board of Directors of Tigard 4th of July, Inc., a Non Profit Corporation, submit this letter with enclosures as our Funding Request for the Fiscal Year 2002 - 2003.

To the criteria for funding, we submit the following comments:

- (1) The Tigard Old Fashioned 4th of July Celebration is primarily for Tigard area residents; we do not advertise outside of the area.
- (2) This event is open to all citizens, with the only restrictions being no alcoholic beverages, no smoking, and no personal fireworks.
- (3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment, a family/community style picnic atmosphere, and public opportunity to participate at no cost (unless they should desire to purchase snacks at very reasonable prices, the proceeds going toward the subsequent year's event).
- (4) With fifteen annual events successfully accomplished (first was in 1987), we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending.
- (5) As with item (4), the Board of Directors feel that our success for fifteen years and the records we have kept demonstrate an ability to reach our goals and keep within reasonable budget commitments.
- (6) Financial Statements are annually prepared and submitted.

Craig Prosser City of Tigard February 2, 2002 Page 2

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement our of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of \$ 7,500.00 for the 2001/2002 fiscal year. We will be seeking some or all of the \$ 7,500.00 in June of 2002. For the fiscal year 2002/2003, the Board of Directors of Tigard 4th of July, Inc. requests \$ 7,500.00 in contribution from the City of Tigard. This is the same as was approved last year and we find it to be an adequate amount to ensure the success and continuation of the 4th of July Celebration.

With regards to City in-kind contributions, we have identified the following impacted areas:

Public Works - If the City Public Works personnel prepare the fireworks firing trench, I have been previously advised that the estimated cost is \$ 400 (1999 \$ subject to indexed adjustment).

Police Department - The Police Department is advised of the event and incurs an estimated \$1,200 (1999 \$ subject to indexed adjustment) of cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - Insurance for the event is accomplished by a rider to the City's existing policy. Loreen Mills has advised that there is no additional charge for this rider.

Should have questions about any of the above, please contact me for assistance.

Sincerely,

R. Michael Marr

Treasurer

RMM/dbm

Enclosures

CC: Board Members

TIGARD 4TH OF JULY, INC.

Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2001

		Current 12 Mo. Period	Year To Date
1000	ASSETS	12 MO. 1 CHOG	10 Date
1450	Cook New later (D.)		
1450 1451	Cash - Non Interest Bearing		
1451	Petty Cash	0.00	0.00
1460	General Checking Account	1,481.71	5,864.73
1461	Savings & Temp. Investments		
1470	Savings	0.00	0.00
1471	Accounts Receivable		
1476	Accounts Receivable	0.00	0.00
1480	(Uncollectable Allowance)	0.00	0.00
	Pledges Receivable		
1481	Pledges Receivable	0.00	0.00
1486	(Uncollectable Allowance)	0.00	0.00
1490	Grants Receivable		
1491	Grants Receivable	0.00	0.00
1500	Recievables from Related Partics .		
1501	Receivables from Directors	0.00	0.00
1510	Other Receivables		
1511	Notes Receivable	0.00	0.00
1516	(Uncollectable Allowance)	0.00	0.00
1520	Inventories For Sale or Use		
1521	Inventories For Sale or Use	76.59	76.59
1530	Prepaid Expenses / Deferred Charges		
1531	Prepaid Expenses	0.00	0.00
1540	Investments - Securities		
1550	Investments - Assets		
1560	Investments - Other		
1570	Equipment		
1571	Equipment	0.00	0.00
1576	(Accumulated Depreciation)	0.00	0.00
1580	Other Assets		
	TOTAL ASSETS	1,558.30	5,941.32
		1,000.30	3,941.32
2000	LIABILITIES		
2600	Accounts Payable & Accrued Exp		
2601	Accounts Payable	0.00	0.00
2610	Grants Payable		0.00
2611	Grants Payable	0.00	0.00
2620	Revenue Designated (Future Per.)		0.00
2621	Revenue Designated	0.00	0.00
2630	Loans from Related Parties		0.00
2631	Loans from Directors	0.00	(1.88)
2640	Mortgages/Notes Payable		(1.00)
2641	Notes Payable	0.00	0.00
2650	Other Liabilities	0.00	0.00
2651	Other Liabilities	0.00	0.00
	Total Liabilities	0.00	(1.88)

TIGARD 4TH OF JULY, INC. Page 2
Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2001

			Current 12 Mo. Period	Year To Date
3000	FUND BALANCES			
3670	Current Funds			
3671	Unrestricted Funds	5	0.00	0.00
3676	Restricted Funds		0.00	0.00
3680	Equipment Fund			
3690	Endowment Fund			
3700	Other Fund			
3710	Capital Stock or Trust Pr	incipal		
3711	Capital Stock		0.00	0.00
3720	Paid In or Capital Surplu	s		
3730	Retained Earnings / Acc	umulated Income		
3731	Retained Earnings	> 01/01/2001	0.00	(4,381.14)
3732	Current Earnings	> 12/31/2001	(1,558.30)	(1,558.30)
	Total Fur	nd Balance	(1,558.30)	(5,939.44)
	TOTAL LIABILITIES & FUI	ND BALANCE	(1,558.30)	(5,941.32)
			(0.00)	0.00

Footnote: Undetermined @ time of this publication: Coca Cola Bottling Co. refund

Footnote: Fxcess Ice Cream Bars and Popsicles donated to DARE Summer Camp

Footnote:

TIGARD 4TH OF JULY, INC. Statement of Revenue & Expense (Unaudited)

December 31, 2001

		Current 12 Mo. Period	Year To Date
4000	INCOME		
4010	Contributions, Gifts, Grants		
4011	Direct Public Support	(4,465.80)	(4,465.80)
4012	Indirect Public Support	0.00	0.00
4013	Government Grants	(9,100.00)	(9,100.00)
4020	Program Service Revenue	•	(,
4030	Membership Dues / Assessments		
4040	Interest Earnings		
4050	Dividends / Interest on Securities		
4060	Net Rental Income		
4061	Gross Rents	0.00	0.00
4066	Rental Expenses	0.00	0.00
4070	Other Investment Income		
4080	Gain / Loss from Sale of Assets		
4081	Gross Sale Amount	0.00	0.00
4086	Cost / Expense	0.00	0.00
4090	Fundraising Events		
4091	Gross Revenues	0.00	0.00
4096	Direct Expenses	0.00	0.00
4100	Gross Profit from Sales		
4101	Gross Sales Less Returns	(1,177.40)	(1,177.40)
4106	Cost of Goods Sold	1,367.68	1,367.68
4107	Cost of Goods Sold	0.00	0.00
4108	Cost of Goods Sold	85.00	85.00
4110	Other Revenue		
	Total Revenue	(13,290.52)	(13,290.52)
6000	EXPENSES		
6130	Program Service Expenses		
6131	Tigard 4th Celebration	11,689.24	11,689.24
6140	Management & General Expenses	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,000.2
6141	Bank Service Charges	0.00	0.00
6142	Miscellaneous	42.98	42.98
6150	Fundraising Expenses		
6151	Miscellaneous	0.00	0.00
6160	Payments to Affiliates		
	Total Expense	11,732.22	11,732.22
	(Excess) or Deficit	(1,558.30)	(1,558.30)

SUBMIT THE ORIGINAL AND ONE TRUE COPY (831.115) \$10.00

SECRETARY OF STATE CORPORATION DIVISION

158 12th Street NE Salem, OR 97310-0210 THIS SPACE FOR OFFICE USE ONLY

FILE BD
IN THE OFFICE OF THE SECRETARY
OF STATE OF THE STATE OF OREGON

NOV 05 1990

CORPORATION DIVISION

1990

Registry Number:

224052-86 (Office Use Only)

ARTICLES OF INCORPORATION NONPROFIT CORPORATION

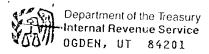
	PLEASE TYPE OR PR	CINI LEGIBLY IN BLA	CK INK	
Article 1:	Name of the corporation: _TIGARD	4TH OF JULY, INC	•	Nov. Û 8
Article 2:	Type of Corporation is: (check o	ne only)		_
	X Public Benefit			COPY
	Mutual Benefit			-
	Religious			
Article 3:	Name of the initial registered ac	gent: R. MICHAEL	MARR	
	Residence or office address of re Oregon)			reet address in
	12420 S. W. Main Street Street and Number	Tigard,	OREGON	9 7 223
	screet and number	City		Zip Code
Article 4:	Principal office address:			
	12420 S. W. Main Street	Tigard,	OREGON	9 7 223
	Street and Number or PO Box	City		Zip Code
Article 5:	Indicate if Corporation will have	members:		
	Yes			
	NO X			
Article 6:	Distribution of assets on Dissolut Satisfaction of all remaining obt to one or more non-profit /	ligations, and the	balance ma	1 1.1

ATICLES OF INCORPORATION NONPROFIT CORPORATION

Page	2

Name of Corp	poration: TIGARD 4TH OF	JULY, INC.		
Article 7:	Name and address of each	director (option	mal):	
	÷			
Article 8:	Each director named	has consented to	o this appoin	tment.
Article 9:	Optional provisions:			
	,			
Article 10:	Name and address of the	incorporator:		
	R. MICHAEL MARR	12420 S. W.	Main Street	Ti∝ard, Oregon 97223
Execution:	RMM R. Michael W.	Paw R. Michael	Marr	INCORPORATOR
	Signature	Printed Name		Title
Person to co	ontact about this filing:	Mike Marr Name		639-1656
		14002		Daytime phone number

Make checks payable to the Corporation Division. Submit the completed form and fee to: Corporation Division, 158 12th Street NE, Salem, Oregon 97310-0210. If you have any questions, please call (503) 378-4166.



TIGARD OR

TIGARD 4TH OF JULY INC % R MICHAEL MARR 12420 SW MAIN ST

97223

DATE OF THIS NOTICE: 07-05-90 EMPLOYER IDENTIFICATION NUMBER: TAX PERIOD ENDING: H/A 2921606636 0

93-1031978

A 63 0 ...

For assistance you may call us at:
221-3960 LOCAL PORTLAND
1-800-424-1040 OTHER OR

Or you may write to us at the address shown at the left. If you write, be sure to attach the bottom part of this form.

TAX FORMS YOU MUST FILE:

Notice of New Employer Identification Number Assigned

Thank you for your Form SS-4, Application for Employer Identification Number (EIN). The number assigned to you is shown above. This number will be used to identify your business account and related tax returns and documents, even if you do not have employees.

- 1. Keep a copy of this number in your permanent records.
- 2. Use this number and your name exactly as shown above, on all Federal tax forms.
- 3. Use this number on all tax payments and tax related correspondence or documents.

Any variation used when filing tax returns, making FTD payments or subsequent payments may result in improper or delayed posting of payments to your account and/or the assignment of more than one EIN.

The filing requirement(s) and tax period shown above have been established for your account based on information contained on your Form SS-4. If you are a trust, your tax year generally must be a calendar year, unless you are exempt from taxation under section 501(a) of the Internal Revenue Code or a charitable trust described in section 4947(a)(1) of the Code. To help you to determine your required tax year, you may obtain Publication 538, Accounting Periods and Methods. This publication is available at most IRS offices for more information.

Please note that the assignment of this number does not grant tax-exempt status to nonprofit organizations. Any organization (other than a private foundation) having annual gross receipts normally of \$5,000 or less is exempt by statute if it meets the requirements of Section 501(c)(3) of the Internal Revenue Code. These organizations are not required to file Form 1023 (Application for Recognition of Exemption) or file Form 990 (Return of Organization Exempt from Income Tax). However, if the organization wants to establish its exemption with the Internal Revenue Service and receive a ruling or determination letter recognizing its exempt status, it should file Form 1023 with the key district director. For details on how to apply for this exemption, see IRS publication 557, Tax-Exempt Status for your Organization, available at most IRS offices.

Thank you for your cooperation.





DEPARTMENT OF JUSTICE

PORTLAND OFFICE 1515 SW 5th Avenue Suite 410 Portland, OR 97201 Telephone: (503) 229-5725 FAX: (503) 229-5120

January 8, 1991

Tigard 4th of July, Inc. 12420 SW Main Street Tigard, Oregon 97223

Attention: R. Michael Marr

Re: Registration Under the Charitable Trust and Corporation Act Annual Report for Period Ended December 31, 1991

Ladies/Gentlemen:

This will acknowledge registration of your organization under the Charitable Trust and Corporation Act. Your registration number with this office is 58-16176.

Our records have been noted that your accounting period ends December 31. Annual reports which may be required by the Act are due not later than four months and 15 days after the close of your accounting period. Please note that our annual reports are in addition to and different from the annual reports that nonprofit corporations must file with the Oregon Corporation Division, Office of the Secretary of State. Questions about annual reports should be directed to June Reed at 229-5902.

If you do not receive forms within 60 days prior to the due date for filing your report, contact this office to obtain the prescribed forms.

We also request a copy of your IRS tax determination letter, if you have been granted tax exempt status, in order to complete the file.

Tigard 4th of July, Inc. January 8, 1991 Page 2

Please keep this letter with your permanent records as it contains your registration number. $% \left(\frac{1}{2}\right) =\frac{1}{2}\left(\frac{1}{2}\right) +\frac{1}{2}\left(\frac{1}{2}\right) +\frac{1$

Sincerely

ack Kilcrease

Assistant Registrar

Charitable Activities Section

AL1.1/JDK

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P O BOX 2350 ROOM 5127 ATTN: E.O.
LOS ANGELES, CA 900532350

Date: FEB. 5, 1991

TIGARD 4TH OF JULY INC 12420 S W MAIN ST TIGARD, OR 97223 Employer Identification Number: 93-1031978
Case Number: 951028073
Contact Person:

'' COPY

Internal Revenue Code
Section 501(c)(4)
Accounting Period Ending:
December 31,
Form 990 Required:
YES
Addendum Applies:
NO

PHELAN, JULIE R

Contact Telephone Number: (213) 725-6619

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any time in each of 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment, or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

TIGARD 4TH OF JULY INC

- C. A

month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Donors may not deduct contributions to you because you are not an organization described in section 170(c) of the Code. Under section 6113, any fundraising solicitation you make must include an express statement (in a conspicuous and easily recognizable format) that contributions or gifts to you are not deductible as charitable contributions for Federal income tax purposes. Section 6113 does not apply, however, if your annual gross receipts are normally \$100,000 or less, or if your solicitations are made to no more than ten persons during a calendar year. The law provides penalties for failure to comply with this requirement, unless failure is due to reasonable cause.

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Michael J. Quinn District Director

COPY FOR YOUR RECORDS

Department of the Treasury Internal Revenue Service OGDEN UT 84201

Date of this notice: FE
Taxpayer Identifying Number
Form: 990 Tax P

FEB. 28, 2000 93-1031978

Tax Period: DEC. 31, 1996

For assistance you may call us at:

1-800-829-1040

TIGARD 4TH OF JULY INC % R MICHAEL MARR 12420 SW MAIN ST TIGARD OR 97223-6110207

FILE COPY

DO YOU NEED TO FILE FORM 990?

MOST ORGANIZATIONS EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(A) OF THE INTERNAL REVENUE CODE ARE REQUIRED TO FILE AN ANNUAL INFORMATION RETURN ON FORM 990, RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX, IF THEIR ANNUAL GROSS RECEIPTS ARE NORMALLY MORE THAN \$25,000. ORGANIZATIONS REQUIRED TO FILE MAY USE THE SIMPLER FORM 990-EZ, SHORT FORM RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX, FOR ANY YEAR THEIR GROSS RECEIPTS WERE LESS THAN \$100,000 AND THEIR END OF YEAR ASSETS WERE LESS THAN \$250,000.

YOU PREVIOUSLY INFORMED US THAT YOU WERE NOT REQUIRED TO FILE FORM 990 BECAUSE YOUR ANNUAL GROSS RECEIPTS WERE NORMALLY BELOW THE ABOVE MINIMUM THAT APPLIED AT THE TIME OF YOUR NOTICE. FOR THAT REASON, WE DON'T MAIL YOU A FORM 990 RETURNS PACKAGE EACH YEAR. HOWEVER, YOU WOULD STILL BE REQUIRED TO FILE FORM 990 FOR ANY YEAR WHEN YOUR GROSS RECEIPTS WERE CONSIDERED TO BE NORMALLY MORE THAN \$25,000. OUR RECORDS INDICATE YOU HAVE NOT FILED FORM 990 RECENTLY.

AN ORGANIZATION THAT IS REQUIRED TO FILE FORM 990 BUT DOES NOT DO SO BY THE DUE DATE (INCLUDING ANY EXTENSIONS GRANTED) MAY BE SUBJECT TO A PENALTY OF \$20 FOR EACH DAY THE RETURN IS LATE, UP TO A MAXIMUM OF \$10,000 OR 5 PERCENT OF ITS GROSS RECEIPTS FOR THE YEAR, WHICHEVER IS LESS. THE PENALTY IS NOT CHARGED IF THE ORGANIZATION CAN SHOW THAT NOT FILING ON TIME WAS DUE TO REASONABLE CAUSE.

TO HELP US UPDATE OUR RECORDS, PLEASE CHECK THE APPROPRIATE BOX AT THE END OF THIS LETTER AND PROVIDE THE RETURNS OR OTHER INFORMATION REQUESTED. NOT COMPLYING WITH OUR REQUEST FOR INFORMATION COULD RESULT IN THE LOSS OF YOUR TAX-EXEMPT STATUS.

PLEASE RETURN THIS NOTICE TO US WITHIN 30 DAYS. AN ENVELOPE IS ENCLOSED FOR YOUR CONVENIENCE. THE COPY OF THIS NOTICE IS FOR YOUR RECORDS. IF YOU WERE REQUIRED TO FILE A FORM 990 OR 990-EZ FOR ANY YEAR IN QUESTION BUT DID NOT DO SO PREVIOUSLY, PLEASE SUBMIT THE COMPLETED RETURN OR RETURNS WITH THIS NOTICE AND EXPLAIN WHY YOU DID NOT FILE ON TIME. BLANK FORMS 990, 990-EZ, INSTRUCTIONS, AND HELP IN COMPLETING THE FORMS ARE AVAILABLE AT MOST IRS OFFICES.

THANK YOU FOR YOUR COOPERATION.

ENCLOSURES: ENVELOPE COPY OF THIS NOTICE

DEFINITIONS

GENERALLY, "GROSS RECEIPTS" MEANS THE GROSS AMOUNT RECEIVED BY THE ORGANIZATION DURING ITS ANNUAL ACCOUNTING PERIOD FROM ALL SOURCES WITHOUT REDUCTION FOR ANY COSTS OR EXPENSES INCLUDING, FOR EXAMPLE, COST OF GOODS OR ASSETS SOLD, COST OF OPERATIONS, OR EXPENSES OF EARNING, RAISING, OR COLLECTING SUCH AMOUNTS. THUS, "GROSS RECEIPTS" INCLUDES, BUT IS NOT LIMITED TO, THE GROSS AMOUNT RECEIVED AS CONTRIBUTIONS, GIFTS, GRANTS, AND SIMILAR AMOUNTS; THE GROSS AMOUNT RECEIVED AS DUES OR ASSESSMENTS FROM MEMBERS OR AFFILIATED ORGANIZATIONS; GROSS SALES OR RECEIPTS FROM BUSINESS ACTIVITIES (WHETHER OR NOT RELATED TO YOUR EXEMPT PURPOSE); THE GROSS AMOUNT RECEIVED FROM THE SALE OF ASSETS; AND THE GROSS AMOUNT RECEIVED AS INVESTMENT INCOME.

AN ORGANIZATION'S GROSS RECEIPTS ARE CONSIDERED TO BE "NORMALLY" NOT MORE THAN \$25,000 IF:

- THE ORGANIZATION HAS BEEN IN EXISTENCE FOR ONE YEAR OR LESS, AND IT HAS RECEIVED, OR DONORS HAVE PLEDGED TO GIVE, GROSS RECEIPTS OF \$37,500 OR LESS DURING THE FIRST TAX YEAR OF THE ORGANIZATION;
- 2. THE ORGANIZATION HAS BEEN IN EXISTENCE FOR MORE THAN ONE BUT LESS THAN 3 YEARS AND THE AVERAGE GROSS RECEIPTS RECEIVED BY THE ORGANIZATION IN THE FIRST 2 TAX YEARS IS \$30,000 OR LESS; OR
- 3. THE ORGANIZATION HAS BEEN IN EXISTENCE FOR 3 YEARS OR MORE, AND THE AVERAGE GROSS RECEIPTS RECEIVED BY THE ORGANIZATION IN THE IMMEDIATELY PRECEDING 3 YEARS, INCLUDING THE YEAR FOR WHICH THE RETURN WOULD BE REQUIRED TO BE FILED, IS \$25,000 OR LESS.

IS	THIS	ORGANIZATION	STILL	ΙN	EXISTENCE?	YES	\bowtie	NO	[]	IF	YES:	
----	------	--------------	-------	----	------------	-----	-----------	----	---	---	----	------	--

LXI THIS ORGANIZATION'S GROSS RECEIPTS WERE NORMALLY \$25,000 OR LESS FOR EACH OF THE PAST 3 TAX YEARS AND THEREFORE THE ORGANIZATION WAS NOT REQUIRED TO FILE FORM 990 FOR ANY OF THOSE YEARS.

CROSS RECEIPTS FOR OUR MOST RECENT YEAR WERE \$ $\frac{14830\%}{597128}$

[]	THIS ORGANIZA OF THE PAST 3 THAT A RETURN ON TIME ARE:	YEAKS. A CU	MPLE(E) FORM	990 OR 990-F7	TS ATTACHED E	FOR ONE OR MO OR EACH YEAR FOR NOT FILING	
				· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	

- [] THIS ORGANIZATION'S GROSS RECEIPTS WERE NORMALLY MORE THAN \$25,000 FOR ONE OR MORE OF THE PAST 3 YEARS, AND A FORM 990 OR 990-EZ WAS FILED FOR EACH YEAR A RETURN WAS REQUIRED. A COPY OF EACH RETURN IS ATTACHED.
- [] THIS ORGANIZATION'S GROSS RECEIPTS WERE NORMALLY MORE THAN \$25,000 FOR ONE OR MORE OF THE PAST 3 YEARS, BUT THE ORGANIZATION WAS NOT REQUIRED TO FILE FORM 990 OR 990-EZ FOR ANY OF THOSE YEARS BECAUSE:

ADDRESS	CORRECTION	REQUESTED:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THE RESPONSE TO THIS NOTICE, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT, AND COMPLETE.

PLEASE SIGN. HERE

SIGNATURE (AN OFFICER IF ORGANIZATION STILL EXISTS)

1 Min

TITLE

3-9-00

DATE TELEPHONE NUMBER

(INCLUDING AREA CODE)

Form

T-12

For Oregon Corporations

Charitable Activities Section Oregon Department of Justice

1515 SW 5th Avenue, Suite 410 Portland, OR 97201-5451

E-Mail: charitable.activities@doj.state.or.us FAX

VOICE (503) 229-5725 TTY (503) 378-5938

For Accounting Periods Beginning in:

(503) 229-5120 and Certain Trusts Web site: http://www.doj.state.or.us Section I. **General Information** Cross Through Incorrect Items and Correct Here: Registration #: 16176 4946 91519 (See instructions for change of name or accounting period.) Tigard 4th of July, Inc. Registration #: nnov 12420 SW Main Street Organization Name: Tigard Address: OR 97223 City, State, Zip: Phone: (503) 624-2975 FAX: *503-*Fax: *620-33/0* Period Beginning: 01/01/2000 Period Ending: 12/31/2000 Phone: Amended Report? Period Beginning: Period Ending: Did a certified public accountant audit your financial records? - If yes, attach a copy of the auditor's report, financial statements, 2. accompanying notes and any schedules presented as supplementary information to the basic financial statements. Yes X No Is the organization a party to a contract involving person-to-person, advertising, vending machine or telephone fund-raising in Oregon? Yes X No If yes, write the name of the fund-raising firm(s) who conducts the campaign(s): Has the organization or any officer, director, or executive personnel of the organization ever been involved in a voluntary agreement with any district attorney or attorney general or a legal action in any court regarding the organization's solicitation, Yes X No administration, or management practices? If yes, attach copies of the agreement and a written explanation. During this reporting period, did the organization amend its articles of incorporation, bylaws, or trust documents, OR did the 5. organization receive a determination letter from the Internal Revenue Service indicating a new or amended tax-exempt status? Yes X No If yes, attach a copy of the amended document or letter. Yes X No Is the organization ceasing operations and is this the final report? (If yes, see instructions.) 7. Provide contact information for the person responsible for retaining the organization's records.

Name	Position	Phone	Mailing Address	
		503	12420 SW MAIN ST.	
A. MICKAEL MANA	TREASURER		TIGARO, ON 97223	

List of Officers, Directors, Trustees and Key Employees - List each person who held one of these positions at any time during the year even if they did 8. not receive any compensation from the organization. Attach additional sheets if necessary. If an IRS form is attached that includes substantially the same information, the phrase "See IRS Form" may be entered in lieu of completing this section.

	(A) Name, daytime phone number & mailing address	(B) Title & average weekly hours devoted to position	(C) Compensation (If not paid, enter \$0)	(D) Contributions to benefit plans & deferred compensation	(E) Expense account & other allowances
Name:	MAX WILLIAMS	CHAIRMAN			
Address:	12103 SW 13574 AVE				
Phone:	TTEARD, OK 97224 (503) 524-4275	2	0	O	4
Name:	R. MICHAEL MARR	TREASURUA	•		
Address:	4702 LAMONT CT.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
Phone:	LAKE OSWEGD, OR (503) 675-9296	Ð.	0	0	0
Name:	JIM PATTON	STERETRA			
Address:	13777 SW NONTHVIEW DA				
Phone:	TIGANO, ON 97224				_
	(503) 626 7300	0	0	0	-0

General Information (continued)

ang the reporting period, was Total Revenue less than \$25,000?

X Yes No

At the end of the reporting period, were Net Assets or Fund Balances (i.e., assets minus flatimities) ress than \$50,000?

∑ Yes ∐ No

	7	
11.	ı	S
		T
	Ì	0
		P

If YES to BOTH Line 9 AND Line 10

- Complete Section II and sign below. Submit NO fee. Attach a copy of any tax forms submitted to the IRS.
- Complete Section III submit fee as

	P	NO to EITHER Line 9 OR Line 10 below. Attach a roby of any tax	(forms subr	nitted to the IDC
Se	ction II	or specially completed for Oreg Fee Exempt Organizations (complete this section ONLY if you answered YES to BOT	on purposes	S.
12.	Net Asse	ets or Fund Balances at the beginning of the reporting period	H Line 9 AND 	Line 10)
13.			1 1	5971
14.		venue	1 1	10930
14.	TOTAL EX	Denses	14.	12520
15.	Other cha	anges in Net Assets or Fund Balances (attach explanation)	15.	72520
16.				
		ts or Fund Balances at the end of the reporting period		4381
560	ction III	. Fee Calculation (complete this section ONLY if you answered NO to EITHER Line 9 OR Line	10)	7337
17.	Total Rev	/enue		
18.	Amoun	Fee	18.	
	\$0 \$25,000	- \$24,999 \$10 - \$49,999 \$25		
	\$50,000 \$100,000 \$250,000	- \$99,999 \$45 - \$249,999 \$75 - \$499,999 \$100		
	\$500,000	- \$499,999 \$100 - \$749,999 \$135 - \$999,999 \$170		
	\$1,000,000			
19.	Net Asset (Line 21 on F	ts or Fund Balances at End of the Reporting Period 19. Form 990 or Form 990-EZ, or Part III, Line 6 on Form 990-PF.)		
20.	Net Fixed	Assets Used to Conduct Charitable Activities 20.		
	(Generally, i.	Ine 57c on Form 990, Line 23B on Form 990-EZ or Part II, Line 14b on See instructions if organization owns income-producing assets.)		i
21.	Amount S	subject to Net Assets or Fund Balances Fee		
		<u> </u>		
22.	Net Asset (Line 21 mult	s or Fund Balances Fee	22.	
23.	Definquen	icy Penalty sbmitted after the due date, the delinquency penalty is \$20.)	23.	
24.	Total Amo (Add Lines 18	ount Due	24.	
25.	Attach a c	copy of the organization's federal tax returns and all supporting schedules and attachments except any schedulors as the organization may be required to complete certain IRS Forms for Oregon purposes.	dule of contrib	utors. Also, see
Ple	ase	Under penalties of perjury, I declare that I have examined this return, including all accompanying forms, s	chedules, and	attachments, and
Sig		to the best of my knowledge and belief, it is true, correct, and complete.		į
Her	·e	1. Mila Man 6-15-01 7	REASU	ren
Paid		Signature of officer Date Title		
	arer's	\Rightarrow		
Use	Only	Preparer's signature Date Pho	ne	
		Propagar's name		

OREGON SECRETARY OF STATE **►** Corporation Division

HOME SEARCH **CONTACT US**

obg business registry notary public starting a business custom lists

ucc forms/fees business name search ucc search

New Search	Printer	Friendly	Business 1	Entity Data		
Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Duration Date	Renewal Date
224052-86	DNP	ACT	OR	11-05-1990		
Entity Name	TIGARE	4TH OF .	IULY, INC.			
Foreign Name	÷					
Non Profit Type	PUBLIC	BENEFIT	3			

Associated Names Printer Friendly New Search

Туре	PPB PRINCIPAL PLACE OF BUSINESS		PRINCIPAL PLACE OF Start Date				Resign Date		
Name						Fax			
Addr 1	12420 SW MAIN ST								
Addr 2									
CSZ	TIGARD	OR	97223	Cour	try	UNITED	STATES OF AMERICA		
E-Mail				W€	b				

Туре	AGTREGISTERED AGENT				11-05- 1990	Resign Date				
Name	R.MI	CHAEL		MA	RR			Fax		
Addr 1	1242	12420 SW MAIN ST								
Addr 2										
CSZ	TIGA	ARD	OR	97223		Coun	try	UNITED S	TATES OF AMERICA	
E-Mail						We	b			

Type PRE PRESIDENT			Start Date	Resign Date		
Name	TOM		BRIAN		Fax	
Addr 1	7630 SW FI	R ST				
Addr 2						
CSZ	TIGARD	OR	97223	Country	UNITED S	STATES OF AMERICA
E-Mail				Web		

Туре	SEC SECRETARY		Start Date	1	Resign Date
Name	ЛМ	PATTON		Fax	itesigii bute
Addr 1	PO BOX 230725				
Addr 2					
CSZ	TIGARD OR	97281	Country	UNITED S	TATES OF AMERICA
E-Mail			Web		TITLES OF MINIERCEA

New Search Printer Friendly Name History

Business Entity Name	Name Name Type Status Start Date End Date	
TIGARD 4TH OF JULY, INC.	EN CUR 11-05-1990	l

New Search Printer Friendly Summary History

Image Date	Action	Transaction Date	Status	Name/Agent Change	Dissolved By
09-25- 2001	ANNUAL REPORT PAYMENT	09-25-2001	SYS	onunge	
11-09- 2000	NOTICE	11-13-2000	SYS		
11-13- 2000	STRAIGHT RENEWAL	11-13-2000	FI		
11-17- 1999	CHANGED RENEWAL	11-17-1999	FI		
1	STRAIGHT RENEWAL	11-04-1999	FI		
	STRAIGHT RENEWAL	09-29-1998	FI		
11-14- 1997	NOTICE	11-17-1997	SYS		
1	STRAIGHT RENEWAL	11-10-1997	FI		
	STRAIGHT RENEWAL	11-05-1996	FI		
	STRAIGHT RENEWAL	10-13-1995	FI		
	STRAIGHT RENEWAL	11-20-1994	FI		
11-10- 1994	NOTICE	11-15-1994	SYS		
1	STRAIGHT RENEWAL	10-08-1993	FI		
	STRAIGHT RENEWAL	09-23-1992	FI		-93

10-30- AMENDED 1991 RENEWAL	10-28-1991	FI	
11-05- 1990 NEW FILING	11-05-1990	FI	

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Home

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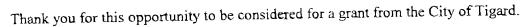
Tigard Graduation Celebration Committee

P.O. Box 23664 Tigard, Oregon 97281-3664

February 15, 2002

Craig Prosser Finance Director City of Tigard 13125 SW Hall Blvd Tigard, OR. 97223

Dear Mr. Prosser,



Our group plans and puts on the drug and alcohol free graduation celebration for the graduates from Tigard High School. As Tigard grows, so does the student body at Tigard High School, and in turn means a larger graduating class. The senior class this year is nearing 500 at this time. Historically, the celebration is attended by about 80% to 85% of the graduates, which would mean about 400 students or more. Because of the large numbers, we are limited to facilities that can accommodate the large groups, with appropriate activities. This has meant we have to contract through organizations such as Grad Night or Party Works, since they have reserved the majority of large sites in the metro area. I believe this increases out costs, since we now have to go through a middleman, but we have few choices that are appropriate if we don't. This is why the site costs are as high as they are. In addition, Party Works our vendor this year, provides some of the games and entertainment in the 'package', so it does eliminate some of the other costs and the time involved in organizing and investigating.

We have also noticed some of the local businesses have been hurt by the recent decline in the economy and we are not receiving as many donations as we have in the past. In an attempt to keep out ticket price reasonable, and within everyone's reach, we rely on outside sources for funding. This year our ticket prices are \$40.00 if purchased before April 1st and \$50.00 if purchased afterward, which is the same as last year. Our goal is to have everyone attend the celebration that would like to, so we do offer some scholarships also.

In the past the City of Tigard has generously awarded \$500.00 for the graduation celebration. But due to additional costs, and some unknowns in our budget, such as the commercial donations and the grant from the Juan Young Trust, we are requesting \$1,000.00.

Please note that in order for us to continue, we find it imperative that we set aside a reserve of \$3,500.00, to serve as the seed money for the next year.

We appreciate the opportunity to apply for this grant. Please let me know if you need additional information or have any questions. Thank you for your consideration.

Asond.

Sincerely.

Cathie Sorensen

Chairman

503-203-1427

PHONE NO. : 5036242539

CITY OF TIGARD

Feb. 19 2002 11:51PM P3 ლესსა

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event :	Name:	THS	Druc	and a	4/coho	Free	Gvada	atton
Addre	85:	PO Box	2364	4			ellevi	Hon
City, S	State, Zip:	Tigal					***************************************	
Contac	ct Name;	O Ca	thre	Sore	nsen			
Teleph	none Number:	503	- 203-	1427	(w)	503-	620-6	445
1.	Request (exp	oress in whole	dollar amo	unts only)				
	Cash				\$	1,00	0.00	
		vices (use of Ci ain the services r						
	Total Reque	st			\$	4,00	0,00	
2.	Purpose of I	Funding Requ off set Gra School	iest: Coste daxti Grad	of the on conducted	Drug elebra es – C	and Hon lass	alcoho for 7. B 20	if gard
3.	Please subma. Deta 02 A	nit the followi iled budget, i dopted Budge	ng informa ncluding F et, and FY	ition with t Y 2000-01 2002-03 Pr	his request actual expe oposed Bu	: enditures, dget. The	FY 2001- Budget	

- a. Detailed budget, including FY 2000-01 actual expenditures, FY 2001-02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
- b. Audit report or financial statements for the last fiscal year.**
- c. Articles of Incorporation.*
- d. 501(c)(3) status.*
- e. Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

THS GRAD NIGHT CELEBRATION

As of February 11, 2002					3		1
As of February 11, 2002		 					
BEGINNING BALANCE:	10,241.69	10,241,69		1			
	2002	2002	2001			2000	Final 2000
	Budget	INCOME TO	BUDGETED	INCOME TO		BUDGETED	INCOME TO
INCOME		DATE	INCOME	DATE		INCOME	DATE
50/50	1,000,00	- 	2,100.00	2,100.00		2,130.00	2,146.42
FUN RUN	650.00	632,00				:	
BRICK SALES		-				250.00	
COMMERCIAL DONATIONS	2,000.00	475.00	2,500.00	2,903.00		2,500,00	1,550.00
BLZR ALUM/AUCTION	5,000.00	-	5,000,00	4,000.00		3,000.00	5,500,00
INTEREST	50.00	7.60	50.00	31,49		100.00	43.20
PARENT DONATIONS	1,750.00	120.00	2,000.00	1,346.00		2,000.00	2,705.00
BOOSTERS							1,165,26
JUAN YOUNG TRUST	3,000.00			3,000.00			
TICKET SALES	16,875.00	2,760.00	15,750.00	14,360.00		12,900.00	11,710.30
TOTAL INCOME:	30.325.00	3,994,60	27,400.00	27,742.49		24,850.00	24,819.88
TOTAL INCOME.	30,020,00						
	2002	2002	2001	Final 2001		2009	Final 2000
	Proposed	EXPENSES	BUDGETED	EXPENSES		BUDGETED	EXPENSES
EXPENSES	Budget	TO DATE	EXPENSES	TO DATE		EXPENSES	TODATE
			150,00		2,400	150.00	
BRICKS			130,00	- 		13030	
BUSES	1,550,00	_!	1,400.00	1,403.50		1,800.00	1,608.78
CAMERAS	500.00		500.00	295.99		350.00	232.80
DECORATIONS/SET-UP	750,00		1,000.00	531.95		3,300,00	1,562.08
ENTERTAINMENT/ACTIVITIES	125.00		200.00	32.97		300.00	50.00
FOOD	400.00		200.00 1	3,107		400.00	400.00
INSURANCE CONTROL OF THE PROPERTY OF THE PROPE	100.00		200.00	82.08		200.00	16,00
MISCELLANEOUS	300,00	65.00	150.00	248.60		150.00	132.00
POSTAGE/PO BOX	4.000.00	05.00	3,780.00	4.098.90		3.000.00	1,811.8
lan ra ra			200.00	1,076.70		500.00	50.00
PRIZES	1 1 100 00 1			336.00		500.00	269.49
PRINTING/LETTERHEAD	100,00						
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD	300.00		300.00	-			1
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD CLEANING DEPOSIT	300.00 <u>.</u> 250.00	7 620 31				12,000,00	22.855.00
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD CLEANING DEPOSIT SITES	300.00	7,620.31				12,000.00	22,855.0
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD CLEANING DEPOSIT SITES DISCRETIONARY	300.00 . 250.00 . 28,481.25		14,968.00	14,468.00		3,500,00	
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD CLEANING DEPOSIT SITES	300.00 <u>.</u> 250.00	7,620.31				·	
PRINTING/LETTERHEAD PUBLICITY/THANK YOU AD CLEANING DEPOSIT SITES DISCRETIONARY	300.00 . 250.00 . 28,481.25		14,968.00	14,468.00		3,500,00	22,855.00 28,981.77

TIGARD RECREATION ASSOCIATION P.O. Box 230854
TIGARD, OR 97281
503.524.8794

February 8, 2002

Mr. Craig Prosser Finance Director City of Tigard 13125 SW Hall Blvd Tigard, OR 97223

Dear Mr. Prosser,

Tigard Recreation Association ("TRA") respectfully submits the enclosed City of Tigard Community Event grant application for TRA's annual summer children's music concert series entitled "Children's Concert at the Park." In this application, we have requested a total of \$894 in cash and in-kind services to underwrite the costs associated with this event.

TRA's "Children's Concerts at the Park" bring families of young children together for a morning of music and fun. This series, which is free to the public, fosters a strong sense of community in Tigard by offering families a chance to get to know each other while experiencing two beautiful, family-friendly parks in Tigard.

TRA is a non-profit, volunteer-run organization dedicated to providing affordable educational and recreational programs to our community through Tiny Tykes (our indoor play park), music and dance programs. We appreciate any assistance the City of Tigard can provide us in fulfilling our organizational mission.

Sincerely,

Tigard Recreation Association

Cynthia Hillier

President

Enclosures

Community Events Grant Application FY 2000-01 Actual Expenses FY 2001-02 Adopted Budget FY 2002-03 Proposed Budget 2001-02 Financial Statements Articles of Incorporation 501(c)(3) status Organization Bylaws

TRA program information

City of Tigard, Oregon

13125 SW Hall Blvd Tigard, Oregon 97223 503-639-4171

FY 2002-03

Community Events Funding Request

Event Name: Tigard Recreation Association "Children's Concerts at the Park"

Address: Tigard Recreation Association

P.O. Box 230854 Tigard, OR 97281

Contact Name: Cynthia (Cyndy) Hillier, President

Telephone No: 503.692.8510 home

503.524.8794 TRA general message number

1. Request Cash \$800.00

In-Kind Services \$94.00

Total Request \$894.00

2. Purpose of Funding Request

The grant funding requested will underwrite the costs associated with the Tigard Recreation Association ("TRA") "Children's Concerts at the Park." TRA's "Children's Concerts at the Park" bring families of young children together for a morning of music and fun. This program fosters a strong sense of community in Tigard by offering families a chance to get to know each other while experiencing two of Tigard's beautiful, family-friendly parks. In the past, this concert series has garnered an attendance of up to 200 parents and children per concert. TRA will host one, one hour concert per month during the months of July and August 2002, and June 2003. Two concerts will be held at Cook Park and one will be held at Summerlake Park.

Previously, the costs associated with this concert series have been paid for by TRA membership dues. However, TRA is facing a dramatic increase in facility rent for 2002-2003. To increase membership fees to keep revenues in line with expenses will create hardships for member families and will also conflict with the mission of TRA to provide affordable educational and recreational programs. Consequently, TRA will not be able to continue the summer music program without outside assistance. We believe the children's concert series is a valuable program for the Tigard community and thus the reason we seek funding for this event through the City of Tigard Community Event grant program.

3. Budget detail for FY 2002-03 Requested Funding

Cash Budget		In-Kind Services in the way of w	aiver of park usage fees
Performance Fee @\$100 per performance	\$300.00	Cook Park usage fee (333 per use)	\$66.00
Advertising Flyers, small ads	\$50.00	Summerlake Park usage fee	\$8.00
Refreshments and decorations @\$100 per concert	\$300.00	Processing fees	\$20.00
Insurance @\$50 per concert	\$150.00		
Total Cash request	\$800.00	Total In-Kind services	\$94.00

TIGARD RECREATION ASSOCIATION Income Statement 10/1/2000 to 9/30/2001

	CHAOS	Dance	Fundraising	Music	Tiny Tykes	Overhead	Total
Income Halloween Party Donations Dance Recital Videos		151.24 983.00	312.00 234.60				312.00 385.84 983.00
Tuition Refunds Tuition		(128.00) 18,851.00		(40.00) 2,397.00	(60.00) 9,836.00	(10.42)	(238.42) 31,084.00
CHAOS Interest Income	5,544.00					85.63	5,544.00 85.63
Total Revenue	5,544.00	19,857.24	546.60	2,357.00	9,776.00	75.21	38,156.05
Expenses							
Administrative Advertising					38.64	201.20 259.79	201.20 298.43
Bank Charges		4.00		4.00		18.00	26.00
Contracted Personnel Copies		12,494.00 5.84		1,784.00	1,950.75 43.88	13.00	21,772.75 62.72
Cleaning Supplies		3.04			45.00	64.09	64.09
Craft Supplies Dance Recital		2,072.75			218.13		218.13 2,072.75
Dance Recital Video		907.11					907.11
Equipment			004.46	40.22	257.96		298.18
Children's Resale Halloween Party			224.18 113.02				224.18 113.02
Fundraising-Other			60.35				60.35
Insurance PO Box Rental						1,758.00 22.50	1,758.00 22.50
Postage		3.30		17.34	3.30	100.08	124.02
Rent Supplies		1,832.00 650.61		72.00 10.85	1,800.00 424.50	55.00 297.39	3,759.00
Toys		050.0		402.50	865.41	297.39	1,383.35 1,267.91
Telephone		55.55			55.55	497.08	608.18
Misc Tax & Licenses Donations & Contributions		50.00			50.00	116.00	116.00 100.00
Total Expenses	-	18,075.16	397.55	2,330.91	5,708.12	3,402.13	35,457.87
Net Ordinary Income	5,544.00	1,782.08	149.05	26.09	4,067.88	(3,326.92)	2,698.18
Other Expenses							
Misc Other					15.00	100.00	115.00
Net Income	5,544.00	1,782.08	149.05	26.09	4,052.88	(3,426.92)	2,583,18

TIGARD RECREATION ASSOCIATION Adopted Budget and YTD Income Statement

The first the first the first to the second of the second

10/1/2001 to 9/30/2002 As of 1/31/02

	Dan	ce	Fundr	aisers	Summer	Concerts	Mu	sic	Tiny	Tykes	Overhead		Tot	tal
	Budget	YTD	Budget	YTD	Budget	_YTD_	Budget	YTD	Budget	YTD	Budget	YTD	Budget	YTD
Income														
Donations			100.00	29.00									100.00	29.00
Grant-City of Tigard ¹					587.00							i i i i i i i i i i i i i i i i i i i	587.00	~
Interest Income											25.00	14.83	25.00	14.83
Tuition/Membership dues	12 106.00	7,329.00					1,075.00	275.00	9,000.00	3,287.00			22,181.00	10,891.00
Total Revenue	12 106.00	7,329.00	100.00	29.00	587.00	-	1,075.00	275.00	9,000.00	3,287.00	25.00	14.83	22,893.00	10,934.83
Expenses														
Administrative											200.00	61.00	200.00	61.00
Advertising/Newsletter					36.00		185.00	85.00	770.00	312.90	360.00	360.30	1,351.00	758.20
Bank Charges		4.00									50.00		50.00	4.00
Contracted Personnel	2.240.00	1,120.00	200.00	100.00	200.00		600.00	200.00				!	3,240.00	1,420.00
Copies	50.00	27.40					45.00	12.95	100.00	140.85	23.00	101.33	215.00	282.53
Cleaning Supplies						1			40.00				40.00	-
Craft Supplies									100.00	50.52			100.00	50.52
Dance Recital	1,200.00	-											1,200.00	-
Equipment	400.00	398.00							620.00	297.00			1,020.00	695.00
Children's Resale										i i		:	-	-
Party Supplies/Refreshments			100.00		200.00				200.00			1	500.00	-
Fundraising-Other			100.00	46.28									100.00	46.28
Insurance				İ	100.00						1,933.80		2,033.80	_
PO Box Rental											45.00	İ	45.00	-
Postage										ļ	50.00	14.68	50.00	14.68
Rent	1,440.00	1,005.00	33.00		51.00		240.00	80.00	4,400.00	2,715.00	-	20.00	5,164.00	3,820.00
Supplie s	250.00	4.96							120.00	195.16	350.00	241.96	720.00	442.08
Toys									50.00				50.00	-
Telephone					•				-		600.00	250.78	600.00	250.78
Misc Tax & Licenses											116.00	20.00	116.00	20.00
Labor & Wages	3,840.00	1,248.00							2,030.00	538.00			5,870.00	1,786.00
Payroll Taxes	293.76	131.04							155.30	56.51			449.06	187.55
Payroll Service		-									600.00		600.00	-
Workers Comp Insurance]	537.00	534.93	537.00	534.93
Donations & Contributions		-										100.00	-	100.00
Total Expenses	9,713.76	3,938.40	433.00	146.28	587.00	-	1,070.00	377.95	8,585.30	4,305.94	4,861.80	1,704.98	25,250.86	10,473.55
Net Ordinary Income	2,392.24	3,390.60	(333.00)	(117.28)	-	- 1	5.00	(102.95)	414.70	(1,018.94)	(4,836.80)	(1,690.15)	(2,357.86)	461.28
Other Expenses			•			}								
Misc Other										15.00	100.00	1	100.00	15.00
Net Income	2,392.24	3,390.60	(333.00)	·*(117.28)	-	-	5.00	(102.95)	414.70	(1,033.94)	(4,936.80)	(1,690.15)	(2,457.86)	446.28

^{1.} Pending

TIGARD RECREATION ASSOCIATION

Proposed Budget 2002-2003

	_		Summer				
	Dance	Fundraisers	Concerts	Music	Tiny Tykes	Overhead	Total
	02-03	02-03	02-03	02-03	02-03	02-03	02-03
Income							
Donations	-	105	-	-	-	-	105
Grant-City of Tigard ¹	-	-	307	_	736	-	1,043
Interest Income	-	-	-	-	-	26	26
Tuition/Membership dues	13,317	-	-	2,150	15,750	-	31,217
Total Revenue	13,317	105	307	2,150	16,486	26	32,391
Expenses						Í	,
Administrative	-	-	-	-	_	210	210
Advertising/Newsletter	-	-	14	194	809	378	1,395
Bank Charges	-	-	-	-	-	53	53
Contracted Personnel	2,352	220	100	630	_	_	3,302
Copies	53	-	-	47	105	21	226
Cleaning Supplies	-	-	-	_	42	-	42
Craft Supplies	-	-	-	_	105	-	105
Dance Recital	1,260	-	-	-	-	-	1,260
Equipment	420	-	-	_	651	_	1,071
Children's Resale	-	-	-	-	-	-	-
Party Supplies/Refreshments	-	215	100	-	210	_	525
Fundraising-Other	-	105	-	-	-	-	105
Insurance	_	-	50	-	-	2,030	2.080
PO Box Rental	-	-	-	-	-	47	47
Postage	-	-	-	-	-	53	53
Rent	1,512	-	43	480	8,800	-	10,835
Supplies	263	-	-	-	126	368	757
Toys	-	-	-	-	53	-	53
Telephone	-	-	-	-	-	630	630
Misc Tax & Licenses	-	-	-	-	-	122	122
Labor & Wages	4,032	-	-	_	2.132	-	6,164
Payroll Taxes	308	-	_	-	163	-	471
Payroll Service	-	-	_	_		630	630
Workers Comp Insurance	-	-	- 1	_	_	564	564
Donations & Contributions	_	-	_	-	- 1		-
Total Expenses	10,200	540	307	1,351	13,196	5,106	30,700
Net Ordinary Income	3,117	(435)	-	799	3,290	(5,080)	1,691
Other Expenses	.,	()			-,	(3,000)	.,
Misc Other ²	-				486		486
Net Income	3,117	(435)		799	2,804	(5,080)	1,205

^{1.} Pending

^{2.} Cab fare vouchers for Good Neighbor Center Resident Families

FILED

RESTATED NONPROFIT

NOV 0 7 2001

ARTICLES OF INCORPORATION

OREGON BECRETARY OF STATE

OF

TIGARD RECREATION ASSOCIATION

ARTICLE I.

Name

The name of this corporation is Tigard Recreation Association (the "Corporation") and its duration shall be perpetual.

ARTICLE II.

Type of Nonprofit Corporation

This Corporation is a public benefit corporation.

ARTICLE III.

Purposes and Powers

- 1. The Corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 and as the same may hereafter be amended (the "Code"), including the making of distributions directly in support of such purposes or the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Code. References to sections of the Code shall be construed to include corresponding sections of any future federal tax code.
- 2. The Corporation may engage in any lawful activity, none of which is for profit, for which corporations may be organized under the Oregon Nonprofit Corporations Act (the "Act"), and as the same may be hereafter amended. The Corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in, any activity that will invalidate its status as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Code or as a corporation contributions to which are deductible under Section 170(c)(2) of the Code.
- 3. The Corporation shall have no capital stock and no part of the net earnings of the Corporation shall inure to the benefit of, or be distributed to, its officers, directors or other private persons; provided, however, the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as previously set forth. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any

ARTICLE VIII.

<u>Limitation of Liability</u>

The personal liability to the Corporation or any Director or uncompensated Officer for monetary damages for that person's conduct as a Director or Officer is hereby eliminated; provided, however, that such Director or Officer shall remain liable for any breach of such Director's or Officer's duty of loyalty to the Corporation, acts or omissions by such Director or Officer which are not in good faith or which involve intentional misconduct or knowing violations of law, unlawful distributions, transactions from which the Director or Officer derived an improper personal benefit, and any act or omission in violation of ORS 65.361 to 65.367, as in effect on the date of these Articles.

ARTICLE IX.

Indemnification

- 1. Pursuant to ORS 65.387 to 65.414, the Corporation shall indemnify, to the fullest extent provided in the Act, any Director or Officer who was or is a Party or is threatened to be made a Party to any Proceeding (other than an action by or in the right of the Corporation) by reason of or arising from the fact that such person is or was a Director or Officer of the Corporation. The determination and authorization of indemnification shall be made as provided in the Act.
- 2. The Corporation may pay for or reimburse the reasonable Expenses incurred by a Director or Officer who is a Party to a Proceeding in advance of final disposition of the Proceeding as provided in the Act.
- 3. At the discretion of the Board of Directors, the Corporation may purchase and maintain insurance on behalf of any person who is or was a Director or Officer of the Corporation against any Liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the Corporation would have the power to indemnify such person against such Liability under the provisions of this Article.
- 4. The indemnification referred to in the various sections of this Article shall be deemed to be in addition to and not in lieu of any other rights to which those indemnified may be entitled under any statute, rule of law or equity, provision of the Articles of Incorporation, agreement, vote of the Board of Directors or otherwise.
- 5. The terms used in this Article shall have the same meanings given them in ORS 65.387 to 65.414.

Date: MAY 21 200

TIGARD RECREATION ASSOCIATION PO BOX 230854 TIGARD, OR 97281

Employer Identification Number:
93-1156147
DLN:
17053125748021
Contact Person:
GREGORY K OLWINE ID# 31382
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
February 1996
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(2).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

RESTATED BYLAWS OF TIGARD RECREATION ASSOCIATION

DECEMBER 2001

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Section 2. Number

The Board shall consist of at least three but not more than nine Directors. The exact number shall be fixed from time to time by resolution of the Board; provided, however, no decrease in the number of Directors shall have the effect of shortening the term of any incumbent Director.

Section 3. Terms of Office and Election of Directors

- a. Except for the initial adjustments of shorter terms needed in order to create staggered terms, the term of office for Directors shall be two years. The Board shall make provisions to stagger the terms of Directors so that each year the terms of as close as possible to one-half of the Directors shall expire. A Director may be reelected without limitation on the number of terms she or he may serve. The Board shall elect its own members, except that a Director shall not vote on that member's own position.
 - b. All Directors shall serve at the pleasure of the Board.

Section 4. <u>Election Procedure</u>

At each annual meeting of the Board, the successors to the Directors whose terms expire that year shall be elected.

Section 5. Annual Meeting

The Board shall hold meetings at least six times each calendar year, or more often as necessary. The Board shall, by its own resolution, designate such dates, times and places as it may choose for such meetings; provided, however, the annual meeting of the Board shall be held no later than the 15th of January of each calendar year.

Section 6. Special Meetings

Special meetings of the Board may be called by the President and must be called by the President upon the written request of at least two Directors. Notice of a special meeting of the Board shall be mailed, hand-delivered or given verbally to each Director not less than seven days prior to the meeting. The notification shall include the date, time, place and agenda of the special meeting.

Section 7. Waiver of Notice

A Director may at any time waive any notice required by the Act, the Articles of Incorporation or these Bylaws. Except as otherwise provided herein, such waiver must be in writing, signed by the Director entitled to notice, specify the meeting for which notice is waived and be filed with the corporate records. A waiver of notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

File Name. Bylaws_2001.doc Revised: December 18, 2001

4.7

Section 14. Action By Directors Without A Meeting

Any action required to be taken at a meeting of the Directors of this Corporation, or any other action which may be taken at a meeting of the Directors, may be taken without a meeting if a consent in writing setting forth the actions so taken shall be signed by all the Directors entitled to vote with respect to the subject matter thereof. Such consent shall have the same effect and force as a unanimous vote of said Directors.

Section 15. Meeting by Telecommunication

Any regular or special meeting of the Board of Directors may be held by telephone or telecommunications in which all Directors participating may hear each other.

ARTICLE IV.

OFFICERS

Section 1. Officers

The Officers of the Corporation shall be a President, a Vice President, a Secretary and a Treasurer. The Board at its annual meeting from among the Directors shall elect each Officer. Each Officer shall serve for a term of one year, and as Board member for two years. Officers shall assume their respective duties immediately upon election.

Section 2. Duties of Officers

- a. <u>President</u> The President shall preside over all meetings of the Board and shall discharge such other duties as may be prescribed from time to time by the Board. The President shall designate the members and Officers of each standing committee and each other committee created by the Board from time to time.
- b. <u>Vice President</u> The duties of the Vice President shall be to assist the President. In the absence of the President, the Vice President shall preside.
- c. Secretary The Secretary shall keep or cause to be kept the minutes of the meetings of the Board and of any standing or temporary committees thereof; shall be responsible for the timely preparation and delivery of all notices to be given in accordance with the provisions of these Bylaws, the Articles of Incorporation or as required by the Act; shall be custodian of the corporate records and the seal of the Corporation (if any) and shall be responsible for authenticating the records of the Corporation as duly authorized or required by the Act; and shall perform such other duties as may be prescribed from time to time by the Board.
- d. <u>Treasurer</u> The Treasurer shall be the legal custodian of all the corporate funds and securities. The Treasurer shall perform, or cause to be performed, the following duties, (a) keeping of full and accurate accounts of all financial records of the corporation; (b) deposit of all monies and other valuable effects in the name and to the credit of the corporation in such depositories as may be designated by the Board of Directors; (c) disbursement of all funds when proper to do so; (d) making financial reports as to the financial condition of the

4

ARTICLE VI.

DEPOSITORIES, SIGNATURES AND SEAL

Section 1. <u>Depositories</u>

All funds of the Corporation shall be deposited in the name of the Corporation in such bank, banks or other financial institutions as the Board may from time to time designate and shall be drawn on checks, drafts or other orders signed on behalf of the Corporation by the Treasurer and/or such other person or persons as the Board may from time to time designate.

Section 2. Contracts

All contracts, deeds and other instruments shall be signed on behalf of the Corporation by the President or by such other Officer or agent as the Board may from time to time designate.

Section 3. Seal

The Corporation shall have no seal.

Section 4. <u>Borrowing</u>

Notwithstanding any other provision in these Bylaws, no Officer or agent of this Corporation shall have authority to borrow any funds on behalf of the Corporation, or to hypothecate any assets thereof, for corporate purposes or otherwise, except as expressly stated in a resolution approved by a majority of Directors, duly entered in the minutes of the Board. The Corporation shall make no loans to any Director or Officer.

Section 5. Gifts

The Board may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purpose of the Corporation, and any such contribution, gift, bequest, or devise is subject to the Board's acceptance.

ARTICLE VII.

AMENDMENTS

These Bylaws may be amended by a majority vote of the Board then in office at any regular or special meeting of the Board provided the notice given for such meeting indicates that such amendments will be considered.

ARTICLE IX.

COMMITTEES OF THE BOARD

Section 1. Committees of the Board of Directors

The Board of Directors may appoint Directors of the Board to serve on them or designate the method of selecting committee members. Such committees may exercise the authority of the Board subject to limitations imposed by the Act, the Article of Incorporation or these Bylaws.

Section 2. Executive Committee

- a. The Board of Directors may establish an Executive Committee. The Executive Committee shall exercise the full power of the Board in the management of the Corporation during periods of adjournment of the Board, subject to limitations imposed by the Act, the Articles of Incorporation, these Bylaws or resolution duly adopted by the Board of Directors.
- b. The Executive Committee shall consist of the Officers of the Corporation and such Directors of the Board as may be elected by a majority vote of the Board. Any member of the Executive Committee who is not an Officer of the Corporation shall serve for a term of one (1) year.
- c. Any actions of the Executive Committee requiring board approval must be submitted to the Board of Directors for ratification at the next meeting. The presence of a majority of the Executive Committee shall constitute a quorum for the transaction of business. A majority of the total votes cast shall decide all issues.

Section 3. <u>Committees other than Committees of the Board</u>

- a. Committees other than Committees of the Board of Directors shall not exercise the authority of the Board of Directors. The duties of such committees shall be as prescribed by these Bylaws or the Board of Directors. The Board shall have the power to dissolve such committees and may establish or dissolve additional committees.
- b. Except as otherwise provided, committee members may, but need not be, Directors of the Board. The President may designate Directors of the Board as committee members. Each chair shall be appointed by the President and serve until his or her successor is appointed or until his or her resignation or removal. The President may remove a chair with the concurrence of the board.
 - c. The Corporation may from time to time have the following such committees:

Finance Committee Corporate Policies and Procedures Committee Legal and Risk Management Committee

Section 6. Legal and Risk Management Committee

- a. The Board of Directors may establish a Legal and Risk Management Committee. The Legal and Risk Management Committee shall have the responsibility of creating, reviewing and maintaining the TRA Personnel Manual, developing written personnel policies, job classifications, compensation schedules, administrative procedures, etc. Additionally, the Legal and Risk Management Committee should develop any forms and personnel record formats.
- b. The Legal and Risk Management Committee shall consist of the Vice President, who shall chair the committee, and such members of the Board or the Board may appoint others as deemed necessary. Each Legal and Risk Management Committee member shall serve a term of one (1) year, unless the committee member is elected to be the Vice President for the subsequent term.
- c. Any actions of the Legal and Risk Management Committee requiring Board approval must be submitted to the Board of Directors for ratification at the next meeting. The presence of a majority of the Legal and Risk Management Committee shall constitute a quorum for the transaction of business. A majority of the total votes cash shall decide all issues.

Section 7. Programs Committee (These would include Tiny Tykes, Dance, Music)

- a. Core Programs: The Board of Directors may from time to time establish programs for the provision of services to the community. A core program is defined as a program, which fits within the mission statement for TRA and for which TRA is responsible for the day-to-day running of the program.
- b. Ancillary Programs. The Board of Directors shall appoint a Program Coordinator for each Program, provided and or sponsored by the corporation. Program Coordinators shall report to the Executive Committee at its meetings concerning the status and progress of each program, and shall present such other reports as the Executive Committee or the Board of Directors from time to time directs. Program Coordinators are not members of the Board of Directors and shall have no vote in such capacity. Nothing herein prevents a Director of the Board from filling a position as a Program Coordinator, in which case, the Director shall retain his or her vote as a Board Director.

Section 8. Technology Committee

The Technology Committee will be responsible for the development of a uniform registration process and a central participant database. The committee will also develop and maintain the TRA Website. The chair of the committee shall keep and provide each Program Coordinator, the Executive Committee, and the Board with a list of all program participants by program, or as otherwise asked for by these groups.

MEMORANDUM OF ACTION OF THE BOARD OF DIRECTORS

OF

TIGARD RECREATION ASSOCIATION

Effective: December 18, 2001

We the undersigned, the directors of Tigard Recreation Association (The "Association"), having been duly called for a meeting of the Board of Directors on December 18, 2001, at Tigard United Methodist Church, each waive notice of the proposed revisions to the Association's Bylaws and consent to the transaction of any and all business by the directors which may properly come before this meeting, including, the discussion and approval of revisions to the Bylaws.

Effective December 18, 2001, and the Board of Directors consented to this action as shown by the signatures below.

APPROVED:

Barbara Myshak

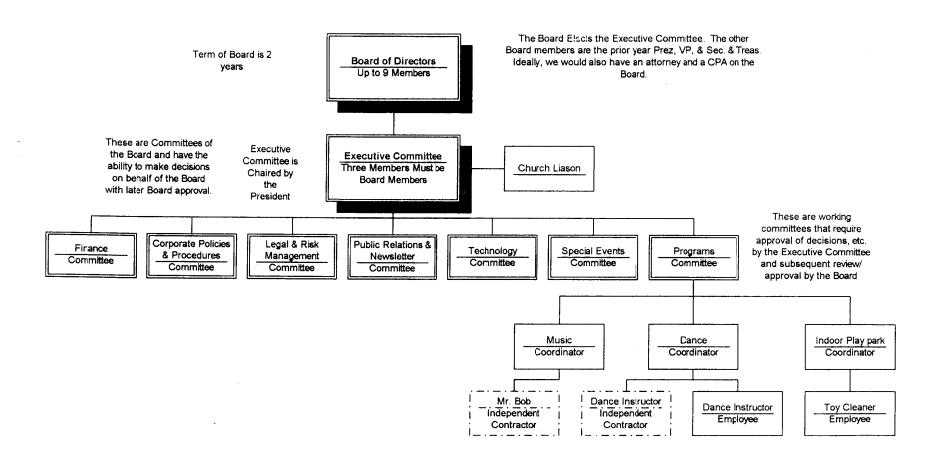
Kathleen Penner

Julie Spisak

Marie Johnson

DIRECTORS

Tigard Recreation Association 12/18/01





About TRA

The Tigard Recreation Association, TRA, is a non-profit, volunteer run organization dedicated to providing affordable, educational, and recreational programs to our community.

TRA began in 1990 when parents approached the city of Tigard to ask for assistance in establishing an indoor play park program. In 1991 space was located at the Metzger Community Center and the Tiny Tykes Indoor Park was established as an ongoing library program through Educational Services.

1994 saw the end of the affiliation with the city of Tigard, and Tigard Recreation Association became an independent non-profit organization.

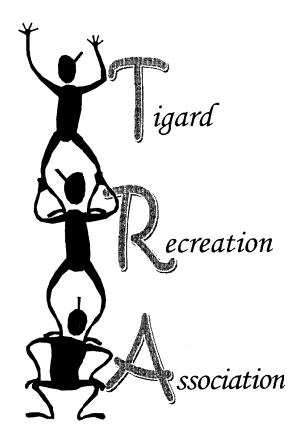
Since then TRA has grown to include dance classes for all ages along with music classes for our littlest participants.

Currently, Tiny Tykes and Music are held at the Tigard United Methodist Church, off HWY 99, in Tigard. Dance is held at the Tigard Grange on HWY 99.

HOW TO REACH TRA

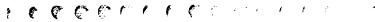
P.O. Box 230854 Tigard, OR 97281

Message phone: 503-524-8794



'When you're ready to play!".

Tel: 503-524-8794





TRA Music

The TRA Music program is designed as an early introduction to music for young children, ages 1 to 5.

It offers:

- Fast-paced interactive classes
- Singing, listening, playing instruments and moving to the music
- Fun and engaging parent and child participation
- New classes starting fall, winter, and spring
- · Classes by age group

Tiny Tykes

TRA's Indoor Park is a parentsupervised indoor play area for children up through 5 years old.

It offers:

- Clean & Safe environment
- Parent cooperative
- Free Craft times
- Unique opportunity for parents to network and make friends
- A wide array of toys, puzzles and books





TRA Dance

The TRA Dance program offers low cost dance classes to the community for boys and girls, ages 4 to adult.

It offers:

- Tap, Ballet, Jazz and Hip Hop classes
- Progressive classes that work towards a Spring Dance Recital
- An opportunity to learn new dance skills, make new friends, and build self-confidence
- Highly skilled dance instructors with years of teaching experience

CITY OF TIGARD, OREGON 13125 SW HALL BLVD. TIGARD, OREGON 97223 503-639-4171

FY 2002-03 COMMUNITY EVENTS FUNDING REQUEST

Event Name: Tualatin Riverkeepers' Trips & Tours 2002/2003 Season Address: 16507 SW Roy Rogers Road City, State, Zip: Sherwood, OR 97140 Contact Name: Sue Marshall Telephone Number: (503) 590-5813 1. Request (express in whole dollar amounts only) Cash \$3,000 In-Kind Services (use of City property, City staff support, 500 etc. Please explain the services requested on a separate sheet) **Total Request** \$3,500

2. Purpose of Funding Request:

To support the Tualatin Riverkeepers Trips & Tours 2002-2003 Season. This program provides local recreational opportunities, raises environmental awareness and engages the public in watershed stewardship. The season includes the 13th Annual Tualatin River Discovery Day.

- 3. Please submit the following information with this request:
 - a. Detailed budget, including FY 2000-01 actual expenditures, FY 2001-02 Adopted Budget, and FY 2002-03 Proposed Budget. The Budget should identify beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **
 - b. Audit report or financial statements for the last fiscal year.**
 - c. Articles of Incorporation.*
 - d. 501(c)(3) status.*
 - e. Organization Bylaws*

^{*} Information not required if it has been submitted at least once in the last five years.

^{**} Lack of adequate financial information could result in denial of request.

Tualatin Riverkeepers' Trips & Tours 2002-2003 Season

The Tualatin Riverkeepers' Trips & Tours Program is the "heart and soul" of our organization. With the support of the City of Tigard over the past three years, the Riverkeepers' Trips and Tours Program has provided local recreational opportunities, raised environmental awareness, and engaged the public in watershed stewardship. This season, we are requesting \$3,000 from the City of Tigard for costs that will be incurred during our Trips & Tours 2002-2003 Season. Costs include: equipment rental and upkeep, insurance, traffic control, printing of *Tualatin River Tales*, commemorative t-shirts and posters, staffing for reservations and information, and volunteer recruitment and coordination. We are also requesting use of the Cook Park boat ramp, dock and restrooms for Discovery Days from 9 am to 2 pm, with an estimated value of \$500 for in-kind services.

Our Trips & Tours events are designed to help the public get to know the Tualatin River. Giving the members of our community a chance to explore the Tualatin River helps them understand why the river needs to be both protected and restored. It usually takes just one experience on or near the water to get people to embrace the river, to care about its health and realize it is a significant part of our community. This year we will offer over sixteen public canoe trips (see attached schedule), a van tour of the Upper Tualatin River, at least four special audience outreach paddle trips, a trip leader training course, and a series of birding classes. We attempt to offer something for everyone.

On June 22, 2002, the Tualatin Riverkeepers will hold our 13th Annual Tualatin River Discovery Days, the largest paddling event held each year on the Tualatin River. This event is a wonderful way for those in our community to be both introduced and reintroduced to the river. We expect more than 100 canoes and kayaks carrying over 200 people to join us as we paddle from Rivermeade Homeowners Park to Tualatin Community Park. This route provides participants an opportunity to paddle along the southern edge of Tigard, with stops at the 99W Bridge and the City of Tigard's Cook Park.

There will be a community environmental fair in Tualatin Community Park at the end of the paddle. Local governmental agencies, community groups and volunteer organizations will be on hand to introduce and educate the community about their work. We will also publish *Tualatin River Tales*, a historical and ecological guide focusing on the stretch of the Tualatin River that we will be paddling, which will be distributed to all participants.

Additionally, to help celebrate the City of Tigard's Cook Park expansion, the Tualatin Riverkeepers will plan a paddle trip on May 4th as part of the ribbon cutting ceremonies for the Butterfly Garden in Phase I. We also plan to offer paddle trips during the grand opening events for the completed park expansion. Collaborations like these encourage more public participation in recognition for successfully completed projects such as the one at Cook Park.

Our programs continue to become more successful each year, attracting new people from the community. The success and growth of the Trips and Tours Program would not be possible without the support and commitment of cities like yours. We look forward to a continuing cooperative relationship with the City of Tigard.



Tualatin Riverkeepers Trips and Tours: January - December 2002

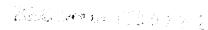
While Tualatin Riverkeepers (TRK) paddle trips and van tours are open to all members and the general public, space is limited and reservations are required. There is a trip charge of \$5 per person for TRK members and \$10 for nonmembers. TRK canoes are available to members free of charge by reservation. Nonmembers may rent our canoes for our paddle trips for \$20. Alcohol is not permitted on trips or tours and personal flotation devices must be worn on paddle trips. TRK trips may be cancelled due to severe weather (lightning, flooding, ice, etc.), but will often take place in the light rain. Please dress accordingly. All trip leaders are volunteers and are not compensated for the time and energy that they put in to making our Trips and Tours Program successful. TRK trips may be cancelled if we are unable to recruit sufficient volunteer support to lead a safe and enjoyable trip. For more information or to register, please call (503)590-5813 or email info@tualatinriverkeepers.org.

- Date: Saturday, January 26th. Jackson Bottom Wetlands Preserve Winter Paddle Trip Where: Jackson Bottom Wetlands Preserve, Hillsboro. Times: 9 a.m. & 1 p.m.
- Date: Saturday, February 16th. Jackson Bottom Wetlands Preserve Winter Paddle Trip Where: Jackson Bottom Wetlands Preserve, Hillsboro. Times: 9 a.m. & 1 p.m.
- ▶ Date: Saturday, March 9th. Trip Leader Review and Training Workshop Where: 16570 SW Roy Rogers Road. Time: Noon to 6 p.m.
- Date: Sunday, April 21st. Metro Paddle and Hike with Naturalist James Davis (Beginner) Where: Eagles Landing to Munger Property. Time: Noon to 4 p.m.
- Date: Saturday, May 11th. Metro Paddle and Hike with Naturalist James Davis (Beginner) Where: Eagles Landing to Munger Property. Time: 9 a.m. to 1 p.m.
- Date: Saturday, May 18th. Migratory Songbird Festival Paddle Trips (Beginner/Intermediate) Where: Tualatin River National Wildlife Refuge. Time: 10:00 a.m. & 1:30 p.m.
- Date: Saturday, June 1st. Blue Heron Week Celebration Paddle Trips (Intermediate/Advanced) Where: Rood Bridge Park, Hillsboro. Time: 1 p.m. to 4 p.m.
- ▶ Date: Saturday, June 22nd. 13th Annual Tualatin River Discovery Day Where: Rivermead Homeowners' Private Park. Time: 9 a.m. to 2 p.m.
- Date: Saturday, July 13th. Eagle's Landing Grand Opening Celebration Paddle Trip (Beginner/Intermediate) Where: Eagle's Landing. Time: 10 a.m. to 1 p.m.
- Date: Saturday, August 24th. Mid-Summer's Night Paddle Trip (Beginner) Where: Tualatin Community Park, Tualatin. Time: 6 p.m. to 8 p.m.
- Date: Saturday, September 7th. Summer Paddle Trip (Beginner/Intermediate) Where: Cook Park, Tigard. Time: 1 p.m. to 4 p.m.
- Date: Saturday, September 14th. End of Summer Paddle Trip (Intermediate) Where: 99 Bridge, Tualatin. Time: 10 a.m. to 1 p.m.
- Date: Saturday, October 19th. National Refuge Week Paddle on the Refuge (Beginner) Where: Tualatin River National Wildlife Refuge. Time: 11 a.m. & 2 p.m.

TUALATIN RIVERKEEPERS FY 01/02 BUDGET STATEMENT OF FINANCIAL ACTIVITY CONSOLIDATED DEPARTMENTS

REVISED OCTOBER 2001

	FY 01/02 BUDGET	July	August	September	October	November	December	January	February	March	April	May	June
REVENUE:													
FOUNDATIONS	99,320	4,013	11,013	7,040	8,700	7,040	7,040	8,000	8,000	8,000	10,500	9.393	10.581
GOVERNMENT	35,907	3,492	3,492	5,492	3,492	3,492	3,492	2,158	2,158	2,158	2,158	2.158	2,165
MEMBERSHIPS - IND./ORG.	24,500	2,041	2,041	2,041	2,041	2,041	2,041	2,041	2,041	2,041	2,041	2.041	2,049
CONTRIBUTIONS	24,700			_,		_,-	-,	_,	_,	3,000	19,700	2,0	2,000
MAJOR GIFTS	10,000					1,000		4,500	4,500	.,	,		2,000
CORPORATE SUPPORT	14,000	500			1,500	2,000	2,000	.,	.,		4,000		4,000
EVENTS	·				·	,	_,				.,		.,000
EFO WORKPLACE GIVING	11,100		2,608			2,608			2,608	•		3.276	
CONTRACT SERVICES/SALES	1,000		•			•	500		-,	500		-,-,	
SALES OF MATERIA_S	4,350							300		750	750	750	1,800
IN-KIND CONTRIBUTION	6,000	500	500	500	500	500	500	500	500	500	500	500	500
INTEREST	1,000	83	83	83	83	83	83	83	83	83	83	83	87
MISCELLANEOUS													
TOTAL REVENUE	231,877	10,629	19,737	15,156	16,316	18,764	15,656	17,582	19,890	17,032	39,732	18,201	23,182
EXPENSES:													
SALARIES	106,500	8,041	8,041	8,041	11,374	8,041	8,041	8,041	8,041	8,041	11,374	8 041	11,383
TAXES & FRINGE BENEFITS	27,985	2,332	2,332	2,332	2,332	2,332	2,332	2,332	2,332	2,332	2,332	2 332	2,333
TOTAL PERSONNEL	134,485	10,373	10,373	10,373	13,706	10,373	10,373	10,373	10,373	10,373	13,706	10.373	13,716
CONTRACT SERVICES	19,100	385	385	385	3,866	3,865	2,260	2,266	2,266	2,266	385	385	385
OCCUPANCY (UTILITIES)	6,600	550	550	550	550	550	550	550	550	550	550	550	550
TELEPHONE	3,600	300	300	300	300	300	300	300	300	300	300	300	300
SUPPLIES	3,000	250	250	250	250	250	250	250	250	250	250	250	250
POSTAGE	4,500	375	375	375	375	375	375	375	375	375	375	375	375
PRINTING	7,000	583	583	583	583	583	583	583	583	583	583	583	587
PRODUCTION OF PUBLICATIONS	9,000			2,000	6,700					300			
INSURANCE	2,420	201	201	201	201	201	201	201	201	201	201	201	209
MEMBER OUTREACH	2,400										200	200	2,000
MEMBERSHIPS	300		100			200							
TRAVEL	2,800	233	233	233	233	233	233	233	233	233	233	233	237
CONFERENCES/TRAINING	2,000			200	200	200	200	200	200	200	200	200	200
MEETING EXPENSES	8,500		83	83	500	500	83	1,000	83	1,000	5,000	83	85
LEGAL FUND	1,000				200					400	400		
PUBLICATIONS	300	25	25	25	25	25	25	25	25	25	25	25	25
COST OF SALES	2,480							171		427	427	427	1,028
MISCELLANEOUS	2,000	166	166	166	166	166	156	156	166	166	166	166	174
TOTAL SUPPORT COSTS	77,000	3,068	3,251	5,351	14,149	7,449	5,226	6,320	5,232	7,276	9,295	3,978	6,405
DEPREC ATION	4,420	368	368	368	368	368	368	358	368	368	368	368	372
EQUIP PURCHASE/RENTAL	1,750	145	145	145	145	145	145	145	145	145	145	145	155
TOTAL EQUIPMENT COSTS	6,170	513	513	513	513	513	513	513	613	613	513	513	527
TOTAL EXPENSES	217,655	13,954	14,137	16,237	28,368	18,336	16,112	17,206	16,118	18,162	23,514	14,364	20,648
OPERATING EXCESSES OR (DEFICIT)	14,222	(3,325)	5,600	(1,081)	(12,052)	429	(456)	376	3,772	-1,130	16,218	3,337	2,534
Cummulative		(3,325)	2,275	1,194	(10,858)	(10,429)	(10,885)	(10,509)	(6,737)	(7,867)	8,351	11,688	14,222





TRANSMITTAL

16570 SW Roy Rogers Road Sherwood, OR 97140 (503) 590-5813 • fax (503) 590-6702 info@tualatinriverkeepers.org

To: 	Craig Prosser, Finance Director City of Tigard	From:	Margot Fervia-Nearntzu	
Phone:	(503) 639-4171	Pages:		
Fax:	÷	Date:	February 7, 2002	
Re:	2002-2003 Grant Request	CC:		

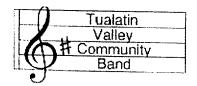
Comments:

Enclosed please find the following:

- FY 2002-2003 Community Events Funding Request
- Grant Proposal
- Tualatin Riverkeepers' Trips & Tours 2002 Schedule
- FY 2001-2002 Budget
- 2002 Annual Report
- 2001 Audited Report

The following documents were also submitted. Please contact Heather Block, at (503) 639-4171, ext. 431 to view a copy. Thank you.

Annual Report to Members - January 2002 Financial Statements - Years ended June 30, 2001 (Audited) & and 2000 (Unaudited)



Tualatin Valley Community Band P.O. Box 230773 Tigard, OR 97281-0773

January 28, 2002

Mr. Craig Prosser Finance Director City of Tigard 13125 SW Hall Blvd. Tigard, OR 97223

Dear Mr. Prosser,

I am pleased to submit our 2002 Community Event Funding Request to the City of Tigard. I believe the material provided is complete. If you have any questions about the content of this application, do not hesitate to contact me at 503-414-3058 or <u>p.pasteris@verizon.net</u>. I look forward to working with you and the City to continue our Band's tradition of serving the Tigard Community with quality musical performances and community services.

Sincerely,

Phil Pasteris

President, Tualatin Valley Community Band

Cc: Steve Heuser, Director, TVCB, P.O. Box 97281-0773, Tigard, OR 97281-0773

Tim Roberts, Secretary, TVCB, P.O. Box 97281-0773, Tigard, OR 97281-0773

Lee Boekelheide, Treasurer, TVCB, P.O. Box 97281-0773, Tigard, OR 97281-0773

Event Name:

Tualatin Valley Community Band - http://www.tvcb.gen.or.us

Address:

P.O. Box 230773, Tigard, Oregon 97281-0773

Contacts:

Phil Pasteris, Board President, 639-9740 (h), 414-3058 (w), p.pasteris@verizon.net

Steve Heuser, Music Director, 691-1446 (h), 691-9700 (w) heusers@aol.com

1. Request

Cash

\$1,850

In-kind Services

Use of the Scheckla-Bishop Structure for weekly rehearsals and free concerts

during the summer.

Total Request

\$1,850

2. Purpose of Funding Request:

The Tualatin Valley Community Band (TVCB) is a State of Oregon recognized nonprofit organization with a three-fold mission (1) to provide high quality live public music performances for civic and educational functions, (2) to provide an opportunity for musicians of all ages and ethnic backgrounds to perform music, and (3) to foster music education by providing individual scholarships and donations to music education programs. TVCB was formed in 1989 and has been under the direction of Steve Heuser since 1991.

During 2001, the TVCB participated in the following free public events in the metropolitan area:

- a. Music is for Life Concert, Fowler Middle School, Tigard, Oregon, February 25, 2001.
- b. Smith Aviation Museum, McMinnville, Oregon, June 10, 2001
- c. Tigard 4th of July Celebration, Tigard High Football Stadium.
- d. Cook Park Summer Concert, Tigard, Oregon, July 29th, 2000.
- e. High School Concert, Sherwood High School, November 6, 2001.
- f. Patriotic Concert, Tigard Water Building, November 13, 2001.
- a. TVCB Winter Concert, Tigard High School, December 2, 2001.
- h. Zoo Lights, Oregon Zoo, December 4, 2001 at the Oregon Zoo.

The TVCB plans to carry out a similar performance schedule in 2001. Our rehearsals are open to the public in Cook Park every Tuesday evening during the summer.

The requested funds would be used as follows (see Adopted Budget for details):

Tigard/Tualatin High School Auditorium rental,	¢750
3 free concerts @ \$250/concert	4750
Music scores, approximately 6-8	\$600
Liability insurance to perform free public concerts in Tigard	
Total Request	\$1,850

3. Financial Information

3.a.1 Detailed FY-2000 Budget

tvcb-All Accounts 01-0	Jan-22
------------------------	--------

TVCB 2000 Income & Expense 00-Jan-01 Through 00-Dec-31

Page 1

00-Jan-01-Category Description 00-Dec-31

INCOME

Donations	2,069.50
Festival Fees	328.33
Portfolio Rent	4.00
T-Shirt Sales	147.00

TOTAL INCOME 2,548.83

EXPENSES

Business Tax	10.00
Entry Fees	0.00
Finance Charge	4.44
Gifts	20.00
Groceries	382.29
Instr Service	80.00
Instruments	100.00
Music	917.40
Office Supplies	76.34
P O Box Rent	44.00
Photography	165.00
Printing	334.33
Rent Paid	760.36
Shipping	5.00
T-Shirt Cost	144.00

TOTAL EXPENSES 3,043.16

TOTAL INCOME - EXPENSES -494.33

3.a.1 Detailed FY-2001 Budget

tvcb-All Accounts TVCB 2001 YTD 01/01/01 Thr	Income & Expense ough 01/12/31	02/01/06
Category Description	01/01/01- 01/12/31	Page 1
INCOME		
Donations T-Shirt Sales TOTAL INCOME	2,547.20 75.00 2,622.20	
÷ EXPENSES	2,022.20	
Business Tax Entry Fees . Finance Charge Gifts Groceries Insurance Music Office Supplies P O Box Rent Printing Rent Paid Tax: Fed 501(c)(3) App	10.00 100.00 3.26 7.99 75.01 600.00 754.80 46.11 45.00 142.50 515.60	
TOTAL Tax	150.00	
TOTAL EXPENSES	2,450.27	
TOTAL INCOME - EXPENSE:	s 171.93	

3.b.2 TVCB Board Proposed and Adopted FY-2001 Budget

Category Description

TOTAL EXPENSES

INCOME

City of Tigard Contribution	\$1,750.00
Other Donations	1,000.00
Scholarship Donations	1,000.00
TOTAL INCOME	\$3,750.00

EXPENSES.

	Business Tax	10.00
	Festival Exp	100.00
	Gifts	20.00
4	Tigard-Tualatin Music Program Donations	200.00
	Music	500.00
	Office Supplies	75.00
	P O Box Rent	45.00
	Printing	350.00
	Facilities Rental	750.00
	Organizational Insurance	500.00
	Scholarship	1,000.00
	Uncategorized Expenses	0.00

\$3,550.00

TOTAL (INCOME - EXPENSES) \$200.00

3.b.2 TVCB Board Proposed and Adopted FY-2002 Budget

Category Description

INCOME

City of Tigard Contribution	\$1,850.00
Other Donations (Subject to grant(s))	6,500.00 ¹
Scholarship Donations	800.00
TOTAL INCOME	\$9,150.00

EXPENSES

Gifts Music Office Supplies P O Box Rent Printing Facilities Rental Organizational Insurance Scholarship Instrument Purchase (subject to funds) Recording Equipment Uncategorized Expenses	10.00 800.00 100.00 45.00 300.00 750.00 500.00 800.00 5,100.00 0.00
-	
Festival Exp	100.00
Business Tax	10.00

TOTAL (INCOME - EXPENSES) \$135.00

Notes:

 $^{1}\text{TVCB}$ obtained a 501(c)(3) designation in November 2001. For planning purposes, we have included a separate \$6,500 grant request as part of the 2002 budget to purchase specific musical instruments for public performances. There is no quarantee that TVCB will obtain these funds.

3.c Articles of Incorporation

On file with the City of Tigard. No changes made during FY-2001

3.d 501(c)(3) status

TVCB obtained a federal tax-exempt designation on November 21, 2001 (copy attached). The TVCB Employer Identification Number is 93-1168909 and our DLN Number is 17053299033021.

3.e Organizational Bylaws

On file with the City of Tigard. No changes made during FY-2001

1/28/2002 7:22 PM tigardfunds02 Page 5 of 5

INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201 THE ST WITH

Date:

TUALATIN VALLEY COMMUNITY BAND PO BOX 230773

Employer Identification Number: 93-1168909 DLN: 17053299033021 Contact Person: LYNN A BRINKLEY ID# 31435 Contact Telephone Number: (877) 829-5500 Accounting Period Ending: December 31 Form 990 Required: Yes Addendum Applies:

Dear Applicant:

TIGARD, OR 97281

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the

Letter 947 (DO/CG)

TUALATIN VALLEY COMMUNITY BAND

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are expended only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), there should be evidence that the funds will remain dedicated to the required purposes and that they will be used for those purposes by the recipient.

If distributions are made to individuals, case histories regarding the recipients should be kept showing names, addresses, purposes of awards, manner of selection, relationship (if any) to members, officers, trustees or donors of funds to you, so that any and all distributions made to individuals can be substantiated upon request by the Internal Revenue Service. (Revenue Ruling 56-304, C.B. 1956-2, page 306.)

If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Steven T. Miller

Ancer Ty Mirle

Director, Exempt Organizations

AGENDA ITEM # _	
FOR AGENDA OF	3/12/02

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE	Discuss options available for Cook Park Conce	ssions Operations	_
PREPARED BY: Dan Plaza	DEPT HEAD OK	CITY MGR OK	_
	ISSUE BEFORE THE COUNCIL		

Discuss options available for Cook Park Concessions Operations.

Council is being asked to consider this item since the City has several concession operation options, which will require City Council direction. Two of our options would be to seek an RFP, awarding a concession contract to a sole vendor, using an exemption to the competitive bidding requirements, or preparing a supplement (addendum) to the Atfalati Recreation District Agreement.

The options to be considered by Council are:

- Offer to the State Commission for the Blind, the opportunity to provide vending services in Cook Park;
- Have a competitive solicitation process (either an invitation to bid or a request for proposals), in which the City would provide the solicitation to the Commission, making sure that the Commission is informed of the opportunity to submit a bid or proposal and that a contract will be awarded, as required by ORS 346.530
- Use an exemption to the competitive bidding requirements, without giving the Commission the first opportunity to present an offer, (possible exemptions include contracts under \$25,000, contracts with other public agencies, and, arguably, personal services contracts); or
- Work with the City Attorney to prepare a supplement (addendum) to the Atfalati Recreation District Agreement, dated 2/2/98, to provide more detail (as contemplated in the agreement) concerning the construction and operation of a concession stand at Cook Park. As an agreement among property owners relating to management of the real property, it should not be subject to public contracting rules and should avoid problems with ORS Chapter 346.

STAFF RECOMMENDATION

Staff recommendation would be for City Council to direct staff to work with the City Attorney on preparation of a supplement (addendum) to the Atfalati Recreation District Agreement to provide more detail (as contemplated in the agreement) concerning the construction and operation of a concession stand at Cook Park.

INFORMATION SUMMARY

It has recently come to the City's attention that there is a State Statute (ORS 346.510 through 346.570) that states that the Oregon Commission for the Blind has preference in operating concession stands in a City Park.

The Commission for the Blind *currently* operates the vending machine service provided by the City of Tigard. The fact that the City is currently using the Commission for the Blind to operate the City's vending machine service led to the question regarding the operation of a concession stand by the Commission for the Blind in a City Park (specifically Cook Park). In 1998, when the City and the Atfalati Recreation District entered into the agreement, dated 2/8/98, the City had no knowledge of the Commission for the Blind preference statutes.

A memorandum, dated 1/27/02 from the City's Attorney discussed the issue of "Do ORS 346.510 through 346.570 require the City to use the Oregon Commission for the Blind to operate a concession stand in a City Park?"

The Attorney's analysis states, in part, "ORS 346.510 through 346.570 apply to 'vending facilities' on public property. 'Vending facility' is broadly defined to include not just vending machines but 'cafeteria or snack bars for the dispensing of food stuffs and beverages' as well. ORS 346.510 (2). A concession stand is within the definition of vending facilities, and a City Park qualifies as public property. Therefore, these statutes would apply to a concession stand in a City Park."

On February 2, 1998, the City entered into an agreement with the Atfalati Recreation District (ARD). The purpose of the agreement is to set forth the obligations, rights, and responsibilities of the parties (ARD & City of Tigard) concerning the purchase of property, development of property, improvements to property, maintenance of property, and use of developed fields and the related facilities with the expansion of Cook Park. One of the improvements to the property was the development of a "snack shack". The City gave permission to ARD to provide a snack shack for ARD sales operation during the soccer and little league seasons. ARD plans to use the income from the snack shack to help pay for ARD's share of the purchase and development of property at Cook Park. The City Council approved the agreement with the Atfalati Recreation District by approving Ordinance No. 98-02, dated January 27, 1998. The approval of this Ordinance set in motion an agreement that called for ARD to share in the development costs of a new concession stand at Cook Park which would then be operated by ARD to help fund ARD's financial commitments (debt service) as set forth in the agreement. According to the City Attorney, "The agreement was not a contract for vending services on City property by an agreement delineating the respective rights of ARD and the City in the property. The City and ARD can supplement the agreement without violating public contracting law."

Again, this issue has been raised because Atfalati Recreation District wants to operate the new concession stand at Cook Park in order to generate funds necessary to fund ARD's financial commitments (debt service) as set forth in the agreement with the City. Phase II of the Cook Park expansion project is currently out to bid. Therefore, Council direction is needed on the recommended option because Council's decision will impact the bidding for the construction of the concession stand.

OTHER ALTERNATIVES CONSIDERED

- Remove the construction of a concession stand from the Phase II construction of Cook Park
- Opt to have City staff operate a concession stand at Cook Park.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

- City Council Goal #4 Continue to implement the City Park Master Plan
- Task (5) Continue to implement the Cook Park master plan

ATTACHMENT LIST

- Atfalati Recreation District Agreement with City, approved by City Ordinance No. 98-02
- City Attorney Memo dated 2/20/02

FISCAL NOTES

Funding for Phase II of the Cook Park expansion are derived from the Park SDC's, grant funding, and loan. Development of the concession stand at Cook Park could be a reimbursement from the Atfalati Recreation District

AGREEMENT

The City of Tigard, an Oregon municipal corporation ("City"), has purchased real property defined as the Gray/Lamb Cook Park Addition ("Property") as more particularly described in the attached Exhibit "A", for the sum of \$300,000 and the Atfalati Recreation District, Inc., an Oregon non-profit corporation ("ARD"), will be contributing the sum of \$150,000 towards the purchase of the Property as hereinafter set forth. The purpose of this agreement is to set forth the obligations, rights, and responsibilities of the parties concerning the purchase of the Property, development of the Property, improvements to the Property, maintenance of the Property, and use of the developed fields and the related facilities with this expansion of Cook Park in Tigard, Oregon.

The City and ARD (and its members Tigard Soccer Club [TSC] and Tigard Little League [TLL]) have an arrangement at present whereby TSC and TLL have priority during their seasons for the use of the soccer fields and baseball/softball fields at the present park. The purpose of this agreement is to acknowledge the equity position that ARD will have in the Property being developed and that TSC and TLL will have a priority for the use of the developed Property during their seasons and to acknowledge that TSC and TLL will continue to have priority on the existing ball fields and soccer fields during the development of the Property. The purpose of this agreement is not to reduce the present use that TSC and TLL have in the existing fields, nor is it to give additional benefit as to use of the existing fields, but merely to acknowledge present use and provide for future use of the developed Property.

The purpose of this agreement is to also allow for the consolidation and coordinated use of the present baseball/softball facilities at Cook Park, the existing soccer facilities at Cook Park and the facilities to be developed on the Property. The cooperative efforts between the City of Tigard, ARD, and the various recreational organizations that use the present facilities and the facilities to be developed is desirable to maximize the use for existing organizations and future organizations.

The parties agree as follows:

pay the City a minimum of \$15,000 per year for a period of ten (10) years toward the purchase price of the Property for a total payment of \$150,000. ARD shall have the right to prepay its obligation at any time. The TSC and TLL are presently assessing their members a per-player fee to fund this purchase. To the extent that there are assessed funds that have been collected by ARD for this purchase in excess of \$15,000 per year, ARD agrees to place these funds in a separate account (the Fund), and said funds shall be used upon agreement between the City and ARD as to the use of these funds for purchase, development, improvement and maintenance of the Property. The first payment shall be due August 1, 1997, and each payment thereafter shall be due on May 1 of each year until the entire \$150,000 is paid.

The City and ARD recognize that ARD is soliciting additional members to its organization.

It is agreed that should additional ARD members use the Property, they shall be assessed for the use of the Property and funds assessed shall go into the Fund provided for herein. It is further

anticipated by the City and ARD that there will be other uses for the fields to be developed on the Property and users fees charged and collected by the City and that the City will place these funds in the development fund for the Property until the Management Committee ("Committee"), as defined in Paragraph 2, has determined that the development called for in the 1997 Revised Cook Park Master Plan ("Plan") has been substantially completed. At that time, the use of these user fees shall be renegotiated between the City and ARD.

- 2. <u>Management Committee ("Committee"</u>. The Committee shall consist of two (2) City officials appointed by the City Council for the City, and two ARD representatives, one from TSC and one from TLL, appointed by their respective boards. With input from City staff and the boards, the development and improvement of the Property shall be the responsibility of the Committee within the confines of the City budget and funds becoming available from various sources. The Committee shall develop guidelines for use, scheduling, and maintenance of the Property. Tigard's Department of Public Works shall be responsible for maintenance of the facilities.
- 3. <u>Mediation of Disagreements</u>. The City and ARD agree that they will mediate any disagreements (including those arising in the Committee) between them and will immediately engage the services of a mediator to resolve their differences with reference to development, improvement, maintenance and use of the Property. Both parties acknowledge that they may have differences and agree in good faith to mediate and resolve all disputes having in mind the protection of the fields and the use of the fields by the maximum number of participants in the City and the

surrounding area. The mediation shall be by agreement in a form per the attached agreement which is attached hereto as Exhibit "B."

- 4. Goals. The parties agree to the following goals:
 - a. To provide an area that can be used by a large number of people for otherCity events such as the July 4 celebration and Tigard Festival of Balloons.
 - b. To provide additional soccer and baseball/softball fields for TSC and TLL and other Tigard based youth and adult soccer and baseball/softball leagues as well as providing these fields to the public (which may be on a fee basis).
 - c. To maintain all fields at Cook Park at a high quality by limiting their use by rotation, and provide increased maintenance.
 - d. To attract large tournaments and other recreational uses for the Tigard community. A portion of the income from the proceeds would be used to maintain the fields.
 - e. To have fields in the city available to the general public for general recreation.
 - f. To accomplish the first five goals with limited taxpayer money, but working with the City to share parking, utilities, and combining the strengths of the park and the fields.
- 5. <u>Construction of Fields and Related Facilities.</u> Subject to the availability of funds ARD will construct appropriate fields on the Property. If the City builds additional facilities at Cook Park, this Agreement may be modified to include the use and operation of those facilities.

The City and ARD agree that the improvements identified in the Plan for the development of the Property benefit the TSC and TLL as well as the general public as a whole. Development and improvement to the Property directly related to ARD and its membership leagues; i.e. playing fields and parking (a percentage to be determined), and snack shacks (and the playground to service the field) are the responsibility of ARD. The City shall be responsible for those improvements that primarily serve the general public; i.e., playing fields and parking (a percentage to be determined), restrooms and pathways. The above are examples and other development projects on the Property will be shared on a negotiated percentage basis between the parties.

- 6. <u>Provision of Services to Property.</u> City will provide electrical service, garbage collection (including refuse cans and dumpsters), water and sewer service to Cook Park as developed and expanded. City will provide ARD with access to the electrical panel for the sports fields during the recognized season in return for reimbursement, according to a schedule established by the City.
- 7. Payment of Costs for Annual Maintenance of Sports Fields. The Department of Public Works shall be responsible for a base level of maintenance for the sports fields such as mowing, watering, and fertilizing, etc., as determined in its annual budget process. If ARD wishes a higher level of maintenance on the sports fields and related facilities than the City is providing, then ARD may either provide such maintenance (with approval of the City) and be responsible for the cost, or it may negotiate these services and costs on an annual basis with the City.
- 8. <u>Maintenance and Repair of Facilities.</u> During the recognized TSC and TLL seasons, ARD shall remove all litter and garbage to approved receptacles provided by the City and

keep the Property in a clean and safe condition. ARD shall be responsible for lining all sports fields. Whether fields are suitable for play on a day-to-day basis shall be the sole decision of the City's Public Works Director or designee. The City shall require any other user of the Property to leave the Property in good condition and repair, including removal of litter and debris from the Property when the use is completed. The City and ARD recognize a use of the fields is a resting period for the fields, and that this resting and rejuvenation period for the fields is to be considered as a use of the fields when determining other uses of the fields.

- 9. <u>Improvements.</u> ARD may make temporary or permanent improvements to the Property only with permission of the City Public Works Director consistent with the Plan and City financial processes. The City gives permission to ARD to provide a snack shack for ARD sales operation during the TSC and TLL recognized seasons. The City shall approve the type and placement of any improvement, including a snack shack, and shall receive funds to cover the cost of electricity to service the snack shack or actual cost as determined each year by the City's Public Works Director. All improvements to the Property shall be constructed consistent with all local and state legal requirements. Any improvement is the property of the City. Upon completion of the Plan, the City shall adopt a financial plan to fund its obligations under this Agreement.
- 10. Priority in Use of Sports Fields. The City has the right to schedule community events in Cook Park. The City and the Committee recognize that ARD has priority to use the sports fields for conducting TSC and TLL activities during the appropriate recognized TSC and TLL seasons. This priority of use allows ARD first option to use the sports fields and related facilities during TSC and TLL recognized seasons. Other persons or entities desiring to use the

Property for any purpose during the recognized seasons would have secondary priorities.

Community events may preclude use of sports fields and related facilities by ARD; prior to scheduling these events the Committee shall be consulted.

- 11. <u>Scheduling Other Uses of Property.</u> ARD shall provide the Committee with a schedule of days and times of use and suggestions for field rejuvenation prior to February 1 of each year. The City shall schedule ARD reservation for the Property and review and schedule ARD's requests for other City fields. Reasonable use of the Property by other users consistent with ARD recognized TSC and TLL seasons, will be scheduled by the City utilizing a permit process.
- 12. <u>Insurance.</u> ARD and/or the specific member will maintain, in full force and effect during the term of this Agreement public liability and property damage insurance, including bodily injury, property damage, and personal injury insurance, covering ARD's and/or its member league's sponsored activities on the Property during the recognized sports seasons. This insurance shall cover all claims which might arise from operations and activities under this Agreement or pertaining to ARD's and/or its member league's activities directly and shall carry the City as an "Additional Insured."

The insurance policy will be with a carrier allowed to transact business in Oregon. The policy of insurance maintained by ARD and/or its member league shall provide at least the following limits and coverages: General Liability and Property Damage and shall have a minimum liability of one million dollars for any one occurrence. ARD's and/or its member league's insurance policy shall contain provisions that such policy shall not be canceled or their limits of liability reduced without thirty (30) days prior written notice to the City Risk Manager. ARD

and/or its member league shall provide the City with Certificates of Insurance in a form satisfactory to the City certifying the issuance of such insurance. The Certificates shall be forwarded to: Risk Manager, City of Tigard, 13125 SW Hall Blvd., Tigard, Oregon, 97223. Such certificates must be delivered prior to commencement of the terms of this Agreement.

The procuring of such required insurance shall not be construed to limit ARD's and/or its member league's liability hereunder. Notwithstanding said insurance, ARD and/or its member league shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this Agreement.

- 13. <u>Cooperation in Parks Planning.</u> City has and will continue to involve the community in the planning for Cook Park, and design and construction of improvements to the Property. The City, TSC, TLL, neighbors and others have participated as members of the Cook Park Task Force. Through their efforts, and that of a consultant, the Plan has been developed. Public meetings have been held throughout the process. In the future, City will give notice of public meetings regarding its parks planning process, when revisions to the Plan are under consideration.
- 14. <u>Term.</u> This Agreement becomes effective on the date it is signed by both parties and will continue for a ten (10) year term which shall begin on August 1, 1997.
- 15. <u>Ten Year Review and Termination of Agreement.</u> Within a one-hundred and twenty day (120) period prior to the conclusion of the initial ten (10) year cycle, and each ten (10) year anniversary thereafter, ARD and City shall conduct a mutual review of this Agreement and modify or terminate the Agreement if both parties determine that such a modification or termination

is in the public interest. If at any time the Agreement is terminated and the property remains available for active recreational use by ARD, or the Property becomes unusable for recreational purposes, then no remuneration is required for either party. If at any time the Agreement is terminated and the Property will be unavailable for ARD use as outlined in this Agreement, then the City will either dispose of the Property or provide ARD with a replacement facility equal to or better than the Property. If a disposition of the Property occurs, the proceeds of the disposition shall be split 50 per cent to the City and 50 per cent to ARD or its successors (after deduction of the actual costs of disposition). This Agreement may also be terminated by either party for a material breach of its terms. The non-defaulting party shall give a written notice of default and opportunity to cure at least thirty (30) days before terminating the Agreement for cause. Upon termination, ARD shall remove all of its equipment from the Property and leave the premises in good order and repair.

- 16. <u>Entire Agreement.</u> This Agreement is the entire agreement between the parties. Except as provided in Paragraph 16, any modification to this Agreement must be in writing and approved by both parties.
- 17. <u>No Partnership.</u> ARD and the City are not partners or joint venturers. Neither party is responsible for the actions of the other in the use of the Property.
- 18. <u>Anti-Assignment.</u> This Agreement may not be assigned by either party without written consent of the other party.
- 19. <u>Public Contracts Requirements: Anti-Discrimination.</u> The City agrees to comply with the provisions of ORS 279.310 to 279.320, relating to mandatory provisions in public

contracts relating to payment of laborers, payment of claims, environmental and natural resources laws and other matters, which statutes are incorporated herein for improvements undertaken by the City. The City and ARD agree not to discriminate in the scheduling or use of the Property against persons on the basis of race, religion, color, national origin, sex, age, marital status, disability, or political affiliation.

20. Authority to Execute Agreement. This Agreement shall be approved by an ordinance of the Tigard City Council. ARD represents that the person signing the Agreement DATED this 2ND day of August, 1997. on its behalf has authority to sign the Agreement.

CITY OF TIGARD	ATFALATI RECREATION DISTRICT, INC

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Approved by City Council
Ordinal # 98-02

Page 10 - AGREEMENT

RAMIS
CREW
CORRIGAN &
BACHRACH, LLP

Practicing as Hibbard Caldwell Schultz Ramis & Crew in Oregon City

ATTORNEYS AT LAW

1727 N.W. Hoyt Street Portland, Oregon 97209

(503) 222-4402 Fax: (503) 243-2944

TO:

John Roy, Facilities Manager, City of Tigard

FROM:

Gary Firestone, City Attorney's Office

DATE:

February 20, 2002

RE:

Concession Stand in Cook Park

This memorandum is a follow-up to the previous memorandum dated January 27, 2001, regarding vending services.

ISSUES

1. What approaches can the City take to the provision of vending services in Cook Park, assuming that the vending services will be operated pursuant to a public contract entered into between the City and the person or entity providing the services?

MEMORANDUM

- 2. Are there alternative approaches to the operation of a concession stand in Cook Park that do not treat the agreement to operate the stand as a public contract?
- 3. What is the effect of the February 1998 agreement with Atfalati Recreation District?

ANSWER

Assuming that the agreement for operation of the concession stand will be considered a public contract, the City will have three basic options. The City has a fourth option that is based on Atfalati's interest in the property as an equitable owner. Option 1 under public contracting law is to offer to the state Commission for the Blind the opportunity to provide vending services in the park. If the Commission wants to provide the services, the City would then enter into an agreement with the Commission. Because the Commission is a public agency, the contract would be exempt from competitive solicitation rules. If the Commission is not interested, the City could then enter into a contract pursuant to its normal public contracting rules.

Option 2 is to have a competitive process in which the city issues an invitation to bid or a request for proposals, providing the ITB or RFP to the Commission, with an express invitation to submit a bid or proposal and notifying the Commission that the City will be entering into a contract for the concession stand, including vending services. If the Commission submits a bid or proposal and the City awards the contract to someone other than the Commission, the City would have to notify the Commission of the award and the reason the contract was not awarded to the Commission. Cost to the City is a sufficient reason to not award the contract to the Commission.

Option 3 is to use an exemption to the competitive bidding requirements, without giving the Commission the first opportunity to present an offer. If the City adopts this approach, it will have to provide the Commission with notice at least 30 days prior to the date it enters into the contract and must give the Commission the opportunity to match the offer. Possible exemptions include contracts under \$25,000, contracts with other public agencies, and, arguably, personal services contracts.

The City has authority under TMC 7.52.080(a) to issue permits for concessions. However, the City can recoup only its costs in the permit fee. The City could couple the concession permit with a lease in which the City could (and should) maximize the income to the City. However, if the existing agreement with Atfalati Recreation District (ARD) did not exist, the City would have a difficult time justifying a lease if it is not entered into by some type of competitive process. The lease could be considered a lease of a "public improvement," which would make the lease a public contract, or the lease could be considered a public contract if the amount of the lease payments were dependent on the volume of business. Furthermore, the permit to operate the concession stand and possibly the lease would be subject to the rules giving the Commission for the Blind a preference in providing vending services on public property. If this approach is used, the City would have to determine what the best deal is that it can reach with a prospective tenant/permittee and determine whether the Commission is able to match the offer. This approach could lead to legal challenges. However, the existing agreement with ARD creates options that otherwise would not be available.

Option 4 is to supplement the existing agreement with ARD as a contract that is not a "public contract." In 1998, the City entered into an agreement with ARD. That agreement recognized that ARD has an equitable ownership interest in the Cook Park addition. The agreement was not subject to the public contracting rules because it relates to real property rather than to goods or services. The agreement gives the right to a "snack shack," but in the context of ARD's equitable property rights. Although the Commission could take the position that the City violated ORS 346.530, this was not a contract for vending services on City property but an agreement delineating the respective rights of ARD and the City in the property. The City and ARD can supplement the agreement without violating public contracting law and should be able to avoid violating the Commission's preference.

ANALYSIS

Options Under Public Contracting Law

Option 1

One option is simply to offer the Commission for the Blind the opportunity to provide vending services and enter into an intergovernmental agreement with the Commission. This would satisfy the statutory preference given to the Commission (ORS 346.510 through 346.570) and would also come within the exemption to public contracting rules for agreements entered into with other government agencies. ORS 279.015(a); AR 10.010.1.a.

If the Commission decides not to offer to provide the vending services, the City would then be able to enter into an agreement with another party under the public contracting rules (including applicable exemptions).

Option 2

The second option is to have a competitive solicitation process (either an invitation to bid or a request for proposals), in which the City would provide the solicitation to the Commission, making sure that the Commission is informed of its opportunity to submit a bid or proposal and that a contract will be awarded, as required by ORS 346.530. If the contract is then awarded to someone other than the Commission, the City would have to provide notice to the Commission of the award and the reason why the Commission did not get the contract. ORS 346.530(2). A difference in terms and conditions is a sufficient justification. See ORS 346.530(2)

Option 3

The third option under the public contracting rules is to award the contract under an exemption provided in the public contracting rules. Under this option, the Commission would have to be given the opportunity to obtain the contract on the same terms as the person awarded the contract. This easiest way to do this is simply to determine what the best deal for the City is and give the Commission the opportunity to match the deal. The City would have to make sure that the Commission is given notice of the contract 30 days before it is entered into, and, if the Commission makes any offer, provide the Commission with a justification for not awarding the contract to the Commission. ORS 346.530.

Several options to proceed under an exemption may be possible. The City could enter into an agreement with another government agency. ORS 279.015(1)(a); AR 10.010.1.a. If the value of the

services provided is less than \$25,000, the City could use the exemption provided by AR 10.010.1.c and 10.015. The City would have to obtain competitive quotes for contracts using this exemption. AR 10.015. Finally, the City may be able to take the position that the City is offering the concession services to the public and that the contract is for professional services in managing the City's concessions. However, there is at least some doubt as to whether the contract would constitute a professional services contract under AR 70.000. If the agreement can be classified as a personal services contract, the City would still have to follow either the formal or information selection procedures of AR 70.020.

Alternatives to Public Contracting Law

TMC 7.52.080(a) implicitly authorizes the City to issue permits for concessions in City parks. A permit is not a contract, so a permit is not subject to public contracting rules. However, a City can charge only permit fees for the permit.

The City has inherent authority to lease City-owned property. Real property transactions are not normally considered to be a public contract. However, in this case the lease may arguably be subject to the public contracting rules. Some may argue that the lease is a lease of public improvements and therefore a public contract as defined by ORS 279.011(6), which defines "public contract" as "any purchase, lease or sale of personal property, public improvements, or services" other than personal services. However, "public improvements" is defined narrowly to essentially mean public improvement projects rather than completed public improvements.

A more troubling argument is that the combination of a lease and a permit may be considered to be a public contract because together they amount to an agreement that involves the provision of services. Furthermore, even the lease by itself could be subject to the public contracting rules if the lease contains provisions relating to the provision of services and not just use of the property. A lease provision making the amount to be paid dependent on the volume of business could make the agreement subject to the public contracting rules.

Assuming the lease is a lease of real property, the City's rules relating to transfer of real property generally apply to sales and not to leases. In the absence of statutory or code regulations governing the lease of City property, the City (and in particular the City Manager who has authority under Charter Section 20A.2(j) over City property) has an obligation to manage the property in the best interests of the public and the City. A misuse of City resources could be treated as a misuse of City funds. Therefore, any lease that does not result in maximum financial benefit to the City would have to be justified as meeting some other public interest. The only way to assure that the City gets the maximum financial benefit would be to provide some type of competitive process for the lease.

Any attempt to structure the transaction as a permit and a lease could be subject to legal challenge that some aspect of the overall arrangement is a public contract. If the City decides to adopt this approach, it would still have to comply with the preference given to the Commission. It would have to provide the Commission advance notice and the opportunity to submit an offer.

Another option under these particular circumstances is to provide more detail to the existing agreement with ARD, as discussed in the next section.

The Effect of the Contract with Atfalati Recreation District, Inc./Option 4

The February 1998 agreement with ARD relates to the use of real property between two parties, each of which have an interest in the property. Under the terms of the Agreement, the City recognizes that ARD has equitable rights in the property, including the right to have a "snack shack." The agreement, because it relates to real estate rather than to the provision of goods and services, should not be considered a "public contract" subject to competitive bidding requirements imposed by state statute or the City's administrative rules.

It is less clear whether the City should have advised the Commission about the 1998 agreement. The Commission could take the position that the agreement included a provision authorizing ARD to provide vending services on public property and that notice to the Commission was therefore required. However, the City has a reasonable argument that this was a division of rights among equitable property owners and that it therefore was not the granting of a contract for vending services that required notice to the Commission.

The better position is that the 1998 agreement was a valid real property agreement and not a contract for vending services. The City therefore can take the position that the contract is valid and in effect. The agreement gives the right to ARD to have a snack shack, a right that ARD exercises as part of its equitable interest in the property. That right remains in effect, and the City and ARD can supplement the agreement to provide more detail (as contemplated in the agreement) concerning construction and operation of the concession stand. As an agreement among property owners relating to the management of the real property, it should not be subject to public contracting rules and should avoid problems with ORS Chapter 346.

This situation does point out that there may be some opportunity for the provision of vending services elsewhere in Cook Park or in other city parks. The City has an obligation to identify opportunities for vending services on all public property it controls and to periodically inform the Commission of any such opportunities. ORS 346.530. The agreement with ARD does not give ARD the exclusive right to operate concessions in the park. In complying with the requirement to provide

periodic reports to the Commission, it is advisable for the City to inform the Commission of Atfalati's equitable interest in the park and its right as equitable owner to provide concession services. The City should also inform the Commission of any opportunities for vending services that exist in other portions of Cook Park, in other City parks, or on other City property.

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Agenda Ite	m No	= /	
Meeting of	3,	13.02	

PROCLAMATION Declaring Tigard High School Marching Band and Tigerette Dance Team as the Official City of Tigard Goodwill Ambassadors to New York City WHEREAS, the City of Tigard wishes to acknowledge the talent and dedication of the Tigard High School Marching Band and Tigerette Dance Team; and WHEREAS, the Tigard High School Marching Band won top honors at the Northwest Marching Band Championships and was named the best Class A band on the Northwest Marching Band Circuit; and WHEREAS, the City of Tigard is proud to have the Tigard High School Marching Band and Tigerette Dance Team represent the City of Tigard; and WHEREAS, the Tigard High School Marching Band and Tigerette Dance Team have chosen New York City as the destination for their spring education and performance tour; and WHEREAS, a trip to New York City will provide an amazing educational opportunity for students and will help to support the economy of New York City; and WHEREAS, the City of Tigard, Tigard High School Marching Band and Tigerette Dance Team wish to send a message of support and encouragement to the people of New York City. NOW THEREFORE BE IT RESOLVED THAT I, James E. Griffith, as Mayor of the City of Tigard, do hereby declare the: Tigard High School Marching Band and Tigerette Dance Team as the Official City of Tigard Goodwill Ambassadors to New York City 2002. day of IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed. James E. Griffith, Mayor City of Tigard Attest: City Recorder

© GOES

SPECIAL JOINT TUALATIN CITY COUNCIL /TIGARD CITY COUNCIL MEETING MINUTES OF OCTOBER 15, 2001

PRESENT: Mayor Lou Ogden, Councilors Bob Boryska, Helen Cain, Steve Chrisman, Ed

Truax, and Tony Weller; Steve Wheeler, City Manager

Mayor Jim Griffith, Councilors Craig Dirksen, Brian Moore, Joyce Patton, and Ken

Scheckla

ABSENT: Tualatin Councilor Chris Bergstrom* [*denotes excused]

The meeting came to order at 6:15 p.m.

1. ANNOUNCEMENTS – None.

2. <u>ITEMS DISCUSSED</u>

The Tualatin City Council and Tigard City Council discussed:

Transportation Issues

 Commuter Rail; Tri-Met; Capital Projects proposed by each City for HB 2142 and more generally such as the Washington Square Master Plan and Durham Quarry transportation issues.

Youth Issues

- Tigard Youth Forum. The Tigard Council is looking at an extension of after school programs in schools (or other appropriate venues, such as churches, etc.)
- Tualatin Youth Advisory Council. Functions were discussed, including their comments on a proposed BMX bike park.

Water Issues

- Bull Run Regionalization; Current supply status; and other water source options were discussed.

Mutual Issues with Tigard-Tualatin School District

- Bond Issues
- Take the Time Survey

Natural Area Links

- Pedestrian Bridge
- Sherwood Nature Trail

Proposed Future Bond Issues

Cooperative Library Operating Levy

3. OTHER ITEMS OF DISCUSSION – Included:

- Police Consolidation in Washington County;
- Durham Quarry issues;
- MPAC (Metro Policy Advisory Committee) alternate representative selection;

- Status of franchise fees in Oregon.
- 4. <u>EXECUTIVE SESSION</u> None.

ADJOURNMEN	П
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The	special	work	session	adjourned	at .	8:52	n m
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Steve Wheeler, City Manager / Recording Secretary
Attest:
Mayor, City of Tigard
Date:

MINUTES TIGARD CITY COUNCIL GOAL SETTING WORKSHOP MEETING JANUARY 14, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 1:00 p.m.
- 1.2 Roll Call: Mayor Griffith and Councilors Dirksen, Moore, Patton and Scheckla were present.
- 1.3 Call to Council and Staff for Non Agenda Items

City Manager Bill Monahan distributed additional information for Council consideration including draft goals suggested by city department heads and a list of recurring meetings involving the City Council and the City's partners. Additional information for the City Council meeting of January 15 was distributed, namely a letter submitted by Gretchen Buehner for Agenda Item No. 8.

2. DISCUSSION – VISION FOR TIGARD

Mayor Griffith introduced this item. He mentioned that the City has a good idea for direction for the Tigard Triangle and Washington Square, but not for the downtown loop. He described the loop as Fanno Creek to Hall Boulevard to Pacific Highway. Mayor Griffith noted that the Council could decide to take a more aggressive role in deciding what is desired in this area. Commuter rail is coming to the community in the next few years presenting an opportunity. Zoning, standards, financing and other issues could be addressed before commuter rail arrives. The City could take steps to promote shopping, parking, or other needs. He questioned what do the City Council and the citizens of Tigard want in the downtown.

Based on a conversation that the Mayor had recently with County Board Chair Tom Brian, it does not seem that the downtown merchants are further along in their efforts than they were several years ago. Mayor Griffith has also talked with non-downtown business people who agree that downtown improvement is a positive thing that would help businesses throughout Tigard. Mayor Griffith suggested considering creating a task force to address the issue, before commuter

rail occurs.

There was some discussion by Council of the role of, and impact on, small business in the downtown area if redevelopment occurs following a redevelopment plan. A suggestion of buying a parcel of land for development to start downtown renewal, such as for the creation of a parking garage, was mentioned.

Creating a plan for the area, noting that commuter rail is coming, would be a help. A focused plan on commuter rail involving zoning, parking, and types of desired businesses could be created. A mix of uses, having residential development as part of mixed use developments may also be an option. Whether warehousing should continue to be an allowed use in the downtown was questioned.

Councilor Moore pointed out that the Tigard Beyond Tomorrow document has a goal for downtown. The goal calls for the City to work proactively with the Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the central business district. He suggested that we might need to meet with the TCBDA to continue to support them and determine how we can help them.

It was noted that there are things that TCBDA can't do such as change zoning. Council questioned whether we should start reviewing the development standards for the downtown even without the funding mechanism in place. Council wondered if the City should offer resources to help TCBDA to continue the efforts.

The commuter rail is the opportunity on the horizon that could help the downtown group and others to identify a course of action. The Council may want to go back to the Vision document and determine where the focus should be so Council can choose where to give priority. The Mayor feels the emphasis should be on the downtown because of the commuter rail schedule.

3. REVIEW FINAL REPORT – GOALS 2001

City Manager Monahan facilitated a review of goal achievement for the past year. The results of the facilitated discussion are as follows.

GOAL 1: TRANSPORTATION

A. Complete the City Transportation System Plan, discuss funding mechanisms, and initiate information.

The City Council adopted the Transportation System Plan in January 2002.

B. Support and promote commuter rail.

The City Council supported commuter rail as it obtained funding at the state and federal level.

C. Develop a fixed route bus program for Tigard intra-city service.

The City made some progress by contacting Tri-Met and initiating discussions and data gathering. The city shared information with Tualatin and will align for future discussions with Tri-Met. The City will continue to communicate its needs to Tri-Met with an objective of establishing a fixed-route bus program for Tigard intra-city service.

D. Revisit transportation improvement projects (the 2000 bond measure) and potential funding sources.

The City did this, reconstituting the bond measure committee to be the Transportation Financing Strategies Task Force. This is an ongoing effort.

E. Promote resolution of 99W issues (and other state-owned facilities in Tigard).

Input was given when opportunities were present; there is more work to be done.

GOAL 2: PROVIDE RECREATIONAL OPPORTUNITIES

Tasks:

1. Develop and define a strategy to provide recreation opportunities for all citizen needs including--

- a. Programs
- b. Facilities
- c. Activities

The City effort was focused at forming and facilitating a Youth Forum to involve all youth recreation and services providers in developing a strategy to provide recreation opportunities. There was good success in this effort. Of the City efforts for recreation opportunities for citizens other than youth were the Dog Park (good success), volunteer opportunities, and the development of a Library plan which will have capacity for providing some of the recreation program opportunities at the Library. In addition, the City initiated a Skateboard Park Committee.

2. Evaluate the need for a separate Parks and Recreation Committee.

The City decided that the use of task forces and forums was a more viable way to address parks and recreation needs and issues. Therefore, we may not need to form a separate Parks and Recreation Committee.

GOAL 3: SUPPORT THE EFFORTS OF THE TIGARD CENTRAL BUSINESS DISTRICT ASSOCIATION (TCBDA) AND THEIR PLAN TO REVITALIZE THE DOWNTOWN

Tasks:

1. Assist in getting funding for implementation of the TCBCA downtown program.

The Council completed its effort by providing the opportunity for TCBDA to seek a Business Improvement District (BID) and Economic Improvement District (EID). At the request of the TCBDA and the downtown property owners, the request for funding mechanism was withdrawn. Thus, the Council completed its task, however, funding is not available.

2. Determine the level of City financial support to the revitalization effort.

The City provided financial support to each activity undertaken by the TCBDA. The long-term level of City financial support to the revitalization effort has not been determined.

3. Review development code requirements that affect the downtown (i.e., parking, etc.).

The City did complete the parking standard review, however, additional code sections require attention. This was put on hold at the time the BID and EID funding did not move forward.

GOAL 4: CONTINUE TO IMPLEMENT THE CITY PARK MASTER PLAN

Tasks:

1. Apply funding to the plan.

The City did that with significant results at Cook Park.

2. Urge that Washington County establish a Parks Systems Development charge for the Tigard Urban Services area.

Two separate efforts were made to urge the establishment of this charge. The effort continues.

3. Complete the Summerlake Park plan.

Further meetings were held to complete the plan. At this point, the draft plan is headed to the Planning Commission for review.

4. Update the City Park Master Plan elements as land is added to the City system.

This is a continuing task.

5. Continue to implement the Cook Park Master Plan.

Good progress was made as additional funding was obtained through a grant from the State of Oregon and a loan which allowed the City to move forward faster with improvements in the original plan. Phase I of the Master Plan is complete.

6. Continue discussions with the Tigard-Tualatin School District for creation of a City park associated with the proposed Alberta Rider School.

During the Council's annual meeting with the Tigard-Tualatin School District information was presented to the Board on this issue. In addition, earlier discussions were held with the superintendent of schools to keep this project active so when the District constructs the school, the City investment can take place simultaneously.

GOAL 5: DETERMINE THE CITY'S LONG-TERM WATER SUPPLY

Task:

1. Evaluate the three options presently under review.

The City evaluated the three options and determined that the South Fork option is no longer feasible. The City will continue to evaluate the options for long-term water supply presented to us — The City of Portland and the Joint Water Commission.

GOAL 6: ESTABLISH AN ANNEXATION POLICY FOR NON-ISLAND AREAS

Tasks:

1. Consider options available to apply to annexation proposals.

The city considered all options and is ready to apply appropriate options.

- 2. Determine if the city should actively encourage annexation of
 - a. parcels
 - b. areas

The City Council reviewed the options and determined that the Bull Mountain area is the only area to be addressed at this time. The City prepared a complete analysis of the Bull Mountain area annexation opportunities and issues following a workshop meeting in July involving area residents. Also initiated discussions with the community and discussions are ongoing. The council also processed annexation requests for those property owners seeking annexation, on a case-by-case basis.

GOAL 7: ENCOURAGE AND SUPPORT PRIVATE SECTOR PROGRAMS
TO REHABILITATE EXISTING, AND DEVELOP NEW,
AFFORDABLE HOUSING

Tasks:

1. Continue to enforce the housing code.

This task was carried out with good success.

2. Consider ways to support provision of affordable housing.

The Council supported the request of CPAH for property tax abatement for three projects. In addition, CPAH has broken ground for a new project with council waiving of permit fees. The City Council gave direction that it wishes to evaluate other ways to support affordable housing programs. The staff is evaluating other opportunities prior to the FY 2002-03 budget cycle.

GOAL 8: REVIEW THE REPORT OF THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE (NTLCC) AND PROVIDE DIRECTION.

Tasks:

- 1. Hear the report of the NTLCC regarding programming and potential sites for construction.
- 2. Provide direction: a. Size, b. Cost, c. Location, & d. Funding
- 3. Determine when a bond measure for construction of a new library should be placed before the voters.

The City Council completed this task. It heard reports of the Committee on all issues. Direction was given for creation of a 47,000 sq. ft. library at \$14.2 million to be located on a site on the east side of Hall Boulevard with funding via City funds, proceeds of two bequests, and a \$13 million bond to be placed on the May 21, 2002, ballot.

GOAL 9: DEVELOP A NEW CITYWIDE SEWER COMPLETION POLICY

Tasks:

- 1. Develop a city-wide sewer program which includes
 - a. cost alternatives and options;
 - b. a proposed construction sequence.
- 2. Take into consideration how to make the program equitable for those property owners who previously participated in the city sewer reimbursement program.

The City Council did establish a sewer program taking into account cost alternatives and options. Consideration was given to making the program equitable to those who had already participated. In fact, reimbursement checks were sent to 32 property owners who paid the higher fees under the old sewer incentive program. The goal was completed so the carrying out of the policy now becomes a task.

GOAL 10: EXPAND CITIZEN INVOLVEMENT OPPORTUNITIES

Tasks:

- 1. Focus on improved ways to inform the public,
- 2. Expand citizen involvement opportunities.
- 3. Make more effective use of media (Cityscape, cable television, City web site, press coverage, meetings, and public contact).
- 4. Strive toward a consistent public involvement effort.
- 5. Conduct a "City 101" education program for the public.

The City achieved its goal expanding citizen involvement opportunities at all levels. Greater attention was paid to the Cityscape, the City web site, cable television production, meetings, and public contact. Opportunities were given to citizens to participate in new task forces and committees to address issues. Our effort to increase cable television capabilities and production options were limited due to difficulties in obtaining a contract with TVCA. The City web site was improved throughout the year with introduction of the new City web site on January 2, 2002. A webmaster was hired during the year to spearhead this effort. Citizen involvement opportunities through

committees improved, however, CIT attendance did not increase. The CIT program was changed by having one tape-delayed meeting and initiation of e-mail messaging to the CIT. A "City 101" education program was conducted in conjunction with a CIT meeting early in the year.

GOAL 11: PARTICIPATE IN THE 2001 OREGON LEGISLATIVE SESSION

Tasks:

- 1. Provide input to discussions of the Oregon Legislature regarding retention of telecommunication franchise fees for local government.
- 2. Provide input to the Oregon Legislature as it addresses concerns raised by voter approval of Measure 7.

Throughout the year the City Council met with Representative Max Williams and Senator Ryan Deckert. In those meetings, both tasks were addressed.

4. SET GOALS FOR 2002

Prior to discussion of goals for 2002, Council reviewed the definitions for "goal," "task," and "issue" as used in prior goal setting sessions. Council determined that the definitions are appropriate for use in 2002. City Manager Monahan then gave an overview of the issues which he sees in each of the city departments. Council noted that the issues identified were primarily administrative under his authority.

Council then proceeded to discuss goals for 2002 and established the following goals.

GOAL 1—TRANSPORTATION

GOAL 2—PARKS & RECREATION

GOAL 3—DOWNTOWN

GOAL 4—WATER

GOAL 5—GROWTH MANAGEMENT

GOAL 6—LIBRARY

GOAL 7—COMMUNICATION

GOAL 1: TRANSPORTATION

- A. Explore funding sources for transportation needs. Funding for maintenance and capital are needed for the following—
 - 1. Roads
 - 2. Trails/Bicycles
 - 3. Pedestrian Safety (sidewalks, streetlights, crosswalks)
 - 4. Bridges
- B. Work with Tri-Met to develop intra-city bus service and Park-and-Ride locations.
- C. Work with ODOT on state-funded facilities.

GOAL 2: PARKS AND RECREATION

- A. Complete master plans for City parks (Summerlake, Fanno Creek Park expansion, Dog Park, etc.)
- B. Continue to work with and support the Youth Forum and youth activities (before and after school programs, Skateboard Park Committee).

GOAL 3: DOWNTOWN

- A. Plan for the commuter rail station.
- B. Review zoning and comprehensive plan standards in the downtown.
- C. Work in conjunction with the Tigard Central Business District Association, Tigard Area Chamber of Commerce, and other interest groups on a downtown redevelopment plan.

GOAL 4: WATER

A. Continue to evaluate options for a long-term water supply.

GOAL 5: GROWTH MANAGEMENT

- A. Continue to evaluate the results of the Bull Mountain study and discuss the findings with the residents. Cooperatively develop a course of action.
- B. Monitor the progress of the Durham Quarry development, receiving regular Council updates.
- C. Consider ways to support the provision of affordable housing.
- D. Actively support implementation of the Washington Square Regional Center Plan.
- E. Evaluate the need and feasibility of having the Tigard Post Office Branch become the Tigard Post Office.

GOAL 6: LIBRARY

A. Council members will individually support promotion of the library construction bond.

GOAL 7: COMMUNICATION

- A. Continue to meet with local, county, regional and state partners.
- B. Continue to improve and expand communication with Tigard citizens through the CIT program, Cityscape, web site, cable, media, Community Connectors, and other means.
- C. Support English-as-a-Second-Language programs in Tigard.

5. CITY MANAGER'S REVIEW

Council reviewed the City Manager's memo of January 8, 2002, which sets out a schedule for conducting the review. Councilor Moore noted that the format used at PGE may be a suitable format to use in 2002. Council agreed to follow the schedule on the January 8 memo. Council will start with review of the performance format, taking the format used last year and reformatting it as necessary.

6. NON-AGENDA ITEMS

Council reviewed the list of Council Liaison appointments and updated the list to reflect participation on transportation committees. The updated list will be provided to Council at an upcoming meeting.

Council returned to the discussion of goals and agreed that there should be a statement, suggested by Councilor Dirksen, that recognizes the state of the economy and the potential impact on goal achievements. The statement is:

"The present state of the economy is a concern which could impact the Council's completion of 2002 goals. Each of the 2002 goals could be impacted if the state, federal, or local economic situation results in a decrease in available funds for Tigard operations and projects."

Meeting adjourned at 5:47 p.m.	
Attest:	
	William A. Monahan, City Manager
Mayor, City of Tigard	

Date:			
	,		

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MINUTES TIGARD CITY COUNCIL WORKSHOP MEETING JANUARY 15, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:30 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items
 - City Manager Monahan advised he would update the Council on an item scheduled on the January 22, 2002, Consent Agenda, regarding a position in the Library.
- > City Manager Monahan reminded the City Council members that the Olympic Torch Run would be traveling through the City of Tigard on January 22, 2002.
- 2. JOINT MEETING WITH THE INTERGOVERNMENTAL WATER BOARD (IWB)
 TO DISCUSS REGIONAL DRINKING WATER PROPOSAL

IWB Members Present: Jan Drangsholdt, Bill Scheiderich, Bev Froude.

Also Present: Ed Wegner, Public Works Director; Dennis Koellermeier, Utilities Manager; and Phil Smith, President of Murray, Smith and Associates.

Public Works Director Wegner introduced this agenda item and presented the staff report. A copy of the staff report is on file in the City Recorder's office. The purpose of this agenda is to bring the Council and IWB members up to date on the regional drinking water proposal.

A copy of the PowerPoint presentation prepared by Mr. Wegner and Mr. Koellermeier as delivered to the City Council is on file in the City Recorder's office. The presentation included the following information on the regional drinking water proposal:

- Schedule
- Review of progress report recommendations
- Draft recommendation and conditions of approval
- Discussion of "deal killers"
- Other options

Council discussed the seven conditions that were specified in order for continued participation in the detailed implementation planning phase in the regional drinking water initiative process:

Condition

- 1. Scope of Work Implementation Phase

 To include as a deliverable, the final cost of each partner will be expected to pay. This shall include buy-in costs and future projected water costs for each member.
- 2. Agency not to abandon concept of regionalization.

 Understanding the logic that has refocused the current effort to the Bull Run/Columbia Southshore wellfield, as well as the financial benefits to the region of intertying the principal sources, it is clear that to include the Willamette River as a potential source will not be accepted by the public. We believe that the Clackamas and Trask/Tualatin systems should be considered for inclusion at some future time.
- Current efforts to develop equitable wholesale contracts to be completed in a parallel process to this project.
 The wholesale contracts needed by the suburban partners to compare to the costs that will be identified in Condition No. 1 by August 1, 2002.
- 4. Scope of work for future phase shall include as a deliverable, a working draft of a 190 Intergovernmental Agreement (IGA) that will form the new agency.
 - The IGA should be complete in that it will address governance, costs, operational rules, etc.
- 5. New agency to provide for equity of supply and cost of sale among all members.
- 6. New agency will keep individual options open for local decisions.
- 7. New agency should <u>not</u> consider including distribution or other water delivery functions at this time.

To include these issues now will only confuse the issues of equity, ownership cost, etc.

In response to a question from Mayor Griffith, Public Works Director Wegner advised that the regional water agency might represent a method for ownership in the water supply system, transmission infrastructure and provide some certainty for water availability. It was noted that water rights must be left with Portland. There is a method wherein a jurisdiction's supply lines can be owned separately.

Councilor Patton said she needed from the City Council and IWB members their input regarding the conditions proposed. She noted that, for example, that Condition No. 6 would be imperative to keep and, if not, then that would be

considered to be a "deal killer" for Tigard. Councilor Patton noted the importance of keeping the discussion about regional water "alive" for benefit of the long-term needs for the metro area.

In reference to Condition No. 7, it was noted that determination of how assets would be divided for distribution and water delivery functions would be complex. The preference would be to begin just as a water supply and transmission agency. Distribution systems in the region need varying amounts of maintenance and upgrades.

Councilor Patton advised that Condition No. 3, regarding the wholesale contracts, was important because of a need to keep moving forward on these contracts.

Mr. Phil Smith noted that the process for the discussion of the regional drinking water initiative was discouragingly slow over the last three months. Staff has been working with the City of Portland and five other wholesale customers on the regional drinking water proposal. Mr. Smith reviewed the work done to move toward a basis for establishing a rate. An agreement for a regional drinking water initiative would take about 12 months.

There was discussion about the Joint Water Commission (JWC) and the Trask/Hagg Lake study. This is a two-year study; however, Tigard officials should know within a year if joining the JWC is feasible. If Tigard and the JWC become partners, water for Tigard from this source would not be fully online for up to 12 years from now. Therefore, regardless of which option is chosen (regional water supply or JWC), the City of Tigard will need a wholesale water contract.

Ms. Drangsholdt noted that the IWB is adamant on Condition No. 6.

The City of Tigard's share for the regional study would be \$25,000. Currently, 12 agencies are participating.

All agencies are reviewing the recommendations for moving forward with the regional drinking water supply initiative and are developing conditions of acceptance.

Councilor Patton requested flexibility as she continues to represent Tigard in the discussions concerning the regional drinking water supply proposal. Council members supported of Councilor Patton's request and that she should have latitude during these discussions. Councilor Dirksen noted that there will probably be elements within the conditions that will need to be negotiated. At its January 22, 2002, City Council meeting, the Council will consider a formal motion to give Councilor Patton the authority to negotiate on behalf of the City of Tigard.

(Agenda Item No. 4 was discussed at this time.)

3. UPDATE ON TRANSFER OF JUVENILE CASES TO THE MUNICIPAL COURT

Judge Michael O'Brien and Municipal Court Manager Nadine Robinson were present for this agenda item. A copy of the staff report is on file in the City Recorder's office. Council reviewed a juvenile case flow chart prepared to show what the City of Tigard Municipal Court would process. This would start out as a pilot program.

Judge O'Brien advised that the only sentencing option not available to the juvenile cases heard before the Municipal Court would be incarceration. Juvenile offenders can be sentenced to perform community service.

There was discussion on the Peer Court operation at the City of Tigard. Peer Court is set up to deal with first-offender violations including minor traffic and misdemeanors.

The Municipal Court has capacity to take on the juvenile caseload because the City did not implement the photo radar program. The first docket may occur in March.

Council consensus was in support of transferring first-time offender juvenile cases to the City of Tigard Municipal Court. Formal approval was tentatively scheduled for Council review at its February 12, 2002, meeting.

Reports on how the juvenile caseload is progressing will be forwarded to the Council in May and September.

(Agenda Item No. 5 was considered next.)

4. UPDATE ON SKATEBOARD PARK TASK FORCE

Public Work Director Ed Wegner and Parks Manager Dan Plaza were present. Mr. Wegner introduced Mr. Rich Carlson who is the chairman of the Skateboard Park Task Force. Other Skateboard Park Task Force members attending were: Brendon Schild, Linda Schild, Dave Morrison, Donnie Morrison, Sam Carlson, and Jeffrey Johnson.

Mr. Carlson updated the Council on the progress of the Task Force. (A copy of the staff report is on file in the City Recorder's office.) The Task Force has received information from representatives who are associated with skateboard parks in the area. These parks included the City of Tualatin and the Chehalem Parks and Recreation District. There was discussion on the subcommittees created: Design, Site Selection and Fundraising.

It was noted that the City's insurance costs should not increase because of the skateboard park; however, the insurance carrier should be asked for input during the design process.

Skateboard parks are low maintenance. It was suggested that a board be formed to review maintenance issues.

Fundraising efforts will be needed from both adults and young people. Chehalem Parks and Recreation hired a professional fundraiser. In order to obtain in-kind contributions, many specifics must be known concerning what items are needed for a skateboard park.

The Design Subcommittee is working on preparing a short list of potential designers for skateboard park conceptual plans.

The City of Tualatin raised \$165,000 for its skatepark and Mr. Carlson said he thought Tigard could raise more than that.

Mr. Carlson noted that the Skateboard Park Task Force requests Council to consider allocating up to \$20,000 to hire a design and site location consultant. Public Works Director Wegner advised that funds would be available for this allocation in the Parks budget. Consensus of Council was to support this request (up to \$20,000). Staff will prepare a proposal for formal Council consideration.

Council meeting recessed at 7:45 p.m.
Council meeting reconvened at 7:52 p.m.
(Agenda Item No. 3 was considered at this time.)

5. POLICY DISCUSSION – BULL MOUNTAIN ANNEXATION

Planning Manager Shields presented the staff report, which is on file in the City Recorder's office. Ms. Shields reviewed the tentative agenda for the Bull Mountain meeting scheduled for January 31, 2002. A copy of the tentative agenda is on file in the City Recorder's office. There was discussion on the Bull Mountain meeting logistics. City Manager Monahan pointed out that often people opposed to issues are more likely to attend meetings. Council may need to determine how to get input from the majority of people who live in this area.

Community Development Director Hendryx reviewed timelines for both a 2003 City-initiated annexation and a 2003 annexation-plan-type annexation. These timelines are on file in the City Recorder's office.

City Manager Monahan noted that the Council has not yet expressed a position on whether or not to proceed with annexation of the area. The purpose of the January 31 meeting is to review information and determine whether the City and the residents desire to proceed with annexation of areas on Bull Mountain.

In response to a question from Councilor Scheckla, Mr. Monahan confirmed that Washington County has stated in its long-term plan that the Bull Mountain area should join the City of Tigard.

Citizen Bev Froude cautioned about presentations concerning parks since there is no land available for parkland. Councilor Moore also noted there has been no money set aside for parks and funding will need to be found for road improvements. Mr. Monahan agreed that expectations should not be built up. Councilor Patton said that it "could not be said enough" that the City has not determined that it wants to annex any or all parts of Bull Mountain to the City. Mr. Hendryx added that the area is being built out.

The draft timelines will be shared at the January 31 meeting without dates since the intent is to show an example. Without dates on the timelines it would be less likely to be perceived as a plan already in place.

UPDATE ON METRO URBAN GROWTH BOUNDARY EXPANSION

Planning Manager Shields delivered the staff report, which is on file in the City Recorder's office. Ms. Shields referred to charts highlighting the main points of her presentation. The charts are on file in the City Recorder's office.

Ms. Shields explained the complex process designed by Metro where several tiers for possible expansion areas of the UGB have been identified. The first tier is the highest priority as the UGB expansion is reviewed. There are three tier-one areas near the City of Tigard representing a total of 644 acres. Metro has plans to involve the public through a series of open houses. Next steps for Metro are:

- a. Complete Goal 5 work to determine buildable land supply.
- b. Review and finalize population and employment forecasts.
- c. Evaluate housing supply/demand, forecast.
- d. Estimate growth in Centers.
- e. Determine need, land types for Industrial Land.
- f. Recommend acreages for open space, parks.
- g. Evaluate "subregion" concept.
- h. UGB Expansion Alternatives Analysis: review specific sites.

7. UPDATE ON WASHINGTON SQUARE REGIONAL CENTER IMPLEMENTATION STRATEGY PLAN

Community Development Director Hendryx presented the staff report, which is on file in the City Recorder's office. Mr. Hendryx also presented PowerPoint slides highlighting the main points of his presentation, which are also on file in the City Recorder's office. Components of the presentation reviewed by Mr. Hendryx included:

- Recent Timeline
- Regional Context
- Current Metro Initiatives Affecting Regional Centers
- Density Evaluation
- Context for Metro UGB Expansion
- Potential Action Plan
- Implementation Tools
- Informational Exchange
- How do these initiatives affect Washington Square?
- Washington Square Implementation Program
- Washington Square Funding Needs
- Funding Strategy
- Greenbelt Development and Funding Strategy
- Transportation Demand Management (TDM) Plan
- Stormwater Management Practices
- Washington Square Implementation Program
- Program Challenges
- Next Steps

There will be a Council hearing on January 22, 2002 to adopt the Regional Center Plan amendments. Ongoing steps include multi-jurisdictional coordination on implementation and funding issues.

8. UPDATE ON WASHINGTON COUNTY LONG-RANGE TRANSPORTATION PLAN

Gretchen Buehner, representative on the Citizen Advisory Committee (CAC) for the Washington County Transportation Plan presented a report to the City Council. The Washington County Transportation CAC has been meeting since November 2000. Ms. Buehner reported that she and Judith Anderson were the two representatives for the County south of Cooper Mountain. Ms. Buehner advised that she did not feel this part of the County had been given priority in the County's process.

Ms. Buehner reviewed some outstanding issues that were also contained in a letter, which is on file in the City Recorder's office. She advised that the planning process will continue for most of this year; it is anticipated the County Commission will review the County TSP in October.

A draft TSP report is being prepared by County staff, however, issues brought up by the CAC will not be included. A facilitator is writing a separate report to attach to the staff report.

Ms. Buehner requested City of Tigard support of the process and its representatives. She also noted the need to plan for expansion and referred to the urban growth boundary issues.

9. COUNCIL LIAISON REPORTS: None

10. NON-AGENDA ITEMS

• City Manager Monahan reviewed a Library Staffing matter. On the January 22, 2002 Council Meeting Consent Agenda (Item 3.2), there is an item requesting Council approval of Budget Amendment No. 7 to the Fiscal Year 2001/2002 Budget to add a one-half time position to the Library Administration Division. The purpose of this position is to assist the Library Department with additional staff support to develop and disseminate information regarding the proposed new library and the bond measure.

Library Director Barnes described the work that was being performed by Paula Walker who has been selected for this position.

- City Manager Monahan advised the Council that Washington County has an option to purchase the Bonita Villa Apartments.
- Mayor Griffith pointed out that Council goals should include the task to seek its own post office so that it is no longer a substation of the Portland Post Office.
- 11. EXECUTIVE SESSION: Cancelled.
- 12. ADJOURNMENT: 9:52 p.m.

A thousand	Catherine Wheatley, City Recorder
Attest:	

Mayor, City of Tigard	
Date:	

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MEMORANDUM CITY OF TIGARD, OREGON

TO: City Council FROM: Greer Gaston DATE: March 5, 2002

SUBJECT: COUNCIL CALENDAR, March - May 2002

Regularly scheduled Council meetings are marked with an asterisk (*). If generally OK, we can proceed and make specific adjustments in the Monthly Council Calendars.

March		
* 12	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 19	Tues	Council Workshop Meeting - 6:30 p.m.
* 26	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
<u>April</u>		
* 9	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 16	Tues	Council Workshop Meeting - 6:30 p.m.
* 23	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
May		
* 14	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 21	Tues	Council Workshop Meeting - 6:30 p.m.
27	Mon	Memorial Day Holiday - City Offices Closed
* 28	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting

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3/19/02 - Workshop	3/26/02 - Business TV Jim -Greeter	4/9/02 - Business TV -Greeter
Due: 3/5/02 @ 5 p.m.	Due: 3/12/02 @ 5 p.m.	Due: 3/26/02 @ 5 p.m.
Workshop Topics	Study Session	Study Session
6:30 pm Jt Mtg with the School District to	City Attorney Review - Liz/Bill- 30 min	
Discuss TTSD Facilities Bond - 45 min	WCCLS Update - Margaret - 10 min BLUE	
7:15 pm Jt Mtg w Library Board (SI) - Margaret -	SHEET	
30 min	IGA - Portland Police Data System - Gary S.	
Jt Mtg - Budget Committee -Craig - 30 min		
Transit Action Update - Julia - 30 min		
Transportation Financing Strategies Task Force -	Consent Agenda	Consent Agenda
Street Maintenance Fee Draft Report - Gus	LCRB Cook Park Master Plan Expansion Phase	LCRB - New Telephone System - Paul/Curtis
20 min - BLUE SHEET	Il Construction - John	- The septions eyelem in admodition
	Appt Building Appeals Board Members - RES -	
	Susan	
	VAC2002-00001 - Initiation 68th@ Atlanta ROW	
	Vacation - RES - Matt	
	Budget Amend Library Services Tech Ac: -	
	Craig & Margaret	Business Meeting
		VA - Nathan Leamy
	Business Meeting	TMC Update - Public Assemblies
	Adopt Code Amendment Implementing Title 3 -	- ORD & RES - Ron - 10 min
	PH - ORD - Duane - 25 min	THE STATE OF THE PROPERTY OF T
	Durham Quarry IGA - Jim - BLUE SHEET	
	20 min.	
	Assessments to Property Owners in the 69th	
	LID - ORD- Gus - 10 min	
	Samarinda Kutai Update - Bill & Craig - BLUE	
	SHEET	
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4/16/02 - Workshop	4/23/02 - Business TV -Greeter	5/14/02 - Business TV -Greeter
Due: 4/2/02 @ 5 p.m.	Due: 4/9/02 @ 5 p.m.	Due: 4/30/02 @ 5 p.m.
Workshop Topics	Study Session	Study Session
Communication Plan (SI) - BLUE SHEET	City Manager Review (SI)- BLUE SHEET	
Jt Mtg w School District (SI) - BLUE SHEET	Update on Randall Grant Program - Liz - 10 min	
Jt Mtg w City of Tualatin (part of School District		
mtg?) - BLUE SHEET		
	Consent Agenda	Consent Agenda
	Council Goal Update (SI)	Johnson Agendu
	IGA - Portland Police Data System - Gary S.	
	Business Meeting	Business Meeting
	Library Update - Margaret - BLUE SHEET	VA - Nathan Leamy
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AGENDA ITEM # _	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adoption of Resolution No. 00-08, Citywide Personnel Policies, Updating Family and Medical Leave Article No. 55-0
PREPARED BY: Sandra Zodrow DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
SHOULD THE CITY COUNCIL ADOPT A RESOLUTION TO REVISE THE CITYWIDE PERSONNEL POLICIES UPDATING THE FAMILY AND MEDICAL LEAVE?
STAFF RECOMMENDATION
Staff recommends passing a Resolution to update the Citywide Personnel Policies, Article 55.0, Family and Medical Leave.
<u>INFORMATION SUMMARY</u>
The City Council approved Resolution No. 00-08 in March 2000, which adopted the Citywide Personnel Policies. These revisions updating Family and Medical Leave Article No. 55.0 are due to recent amendments in the law for State and/or Federal Family and Medical Leave Acts. The purpose of the City's proposed changes is to assure compliance with applicable State and Federal laws as well as applicable City policies and bargaining agreements.
OTHER ALTERNATIVES CONSIDERED
N/A
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
N/A
ATTACHMENT LIST
Copy of current Citywide Personnel Policies, Family and Medical Leave Article No. 55.0, Attachment A
FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. ()2-
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	RESOLUTION (No. 02
	N TO REVISE RESOLUTION NO. 00-08, CITYWIDE PERSONNEL POLICIES, MILY AND MEDICAL LEAVE ARTICLE NO. 55-0
	City Council previously adopted Resolution No. 00-08, Citywide Personnel Policies and Medical Leave Article 55.0, and
WHEREAS, the lamended, and	aws governing the State and Federal Family and Medical Leave Acts have recently been
	City of Tigard needs to update their Family and Medical Leave policy to be in compliance and Federal Family and Medical Leave laws as well as applicable City policies and nents
NOW, THEREFO	ORE, BE IT RESOLVED by the Tigard City Council that:
SECTION 1:	Citywide Personnel Policies, Family and Medical Leave Article 55.0 be updated to assure compliance with all recently amended State and Federal laws as well as applicable City policies and bargaining agreements.
EFFECTIVE DA	ΓE: March 12, 2002
PASSED:	This, 2002.
ATTEST:	Mayor - City of Tigard
City Recorder - C	ity of Tigard

No. 55.0 Pg. 1 of 7

FAMILY AND MEDICAL LEAVES OF ABSENCE POLICY

This policy is established to comply with both the Oregon and Federal Family and Medical Leave Act which entitle eligible employees to 12 weeks of job-protected leave every 12 months for family and medical reasons. The intent of this policy and the law is to allow City employees to balance their work and family life by taking reasonable, unpaid leave of absences for the reasons specified in these rules and regulations.

The City's family medical leave policy combines benefits required by the federal Family and Medical Leave Act (FMLA) and state law.

EMPLOYEE ELIGIBILITY

An employee must have been employed by the City for at least 180 days for an average of 25 hours of work per week during the previous 180 days. Exception: The hourly prerequisite does not apply to parental leave.

PERMISSIBLE REASONS FOR TAKING LEAVE

- **Þ** Birth of a child (also referred to as "Parental Leave").
- Placement of a child under the age of 18 (or older if the child is mentally or physically disabled) with the employee for adoption or foster care (also referred to as "Parental Leave").
- **P** Care of a family member (spouse, child, parent, **same-sex domestic partner**, or parent-in-law) with a serious health condition or for a child requiring home care due to illness extending longer than three days. Leave to care for a **same-sex domestic partner or** parent-in-law is only required by State law. (This type of leave may be referred to as "Serious Health Condition Leave.")
- **P** To recover from or seek treatment for a serious health condition of the employee when the employee is unable to perform at least one essential function of his/her regular position. Serious health conditions include on-the-job injuries, pregnancy related disabilities, and prenatal care (may also be referred to as "Serious Health Condition Leave").
- P To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care (may also be referred to as "Sick Child Leave" and is only required by state law). If "Sick Child Leave" is requested to care for a child who does not have a serious health condition, the City has the right to not approve the employee's request for leave when another family member is available to care for the child. "Sick Child Leave" applies only to the Oregon Family Leave law.

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DURATION OF LEAVE

- **P** Twelve work weeks during a rolling 12-month period computed forward from the date the employee first uses FMLA leave.
- **P** Taking leave on an intermittent basis or on a reduced work schedule may be permitted by the City if necessary to take care of an ill family member or because of the employee's own health condition. In either case, documentation by a medical professional is necessary. Leave of this nature must be approved in advance by the City and employees must make a reasonable effort to minimize disruption in the work unit. Intermittent leave will be calculated on an hourly basis which computes to 480 hours per year.
- Parental leave must be taken within 12 months after the birth/placement of a child. Leave may be taken non-consecutively, but if more than two (2) non-consecutive leaves are taken within the 12-month period, the employee must receive prior authorization from the City Manager or Human Resources Director.
- D Under the Oregon Family Leave law, employees who take parental leave are also entitled to an additional 12 weeks of family leave to care for a sick child only if the full 12 weeks of parental leave has been exhausted during the parental leave year. Employees not using the full 12 weeks of parental leave are only entitled to the balance of their 12 week entitlement for the purposes of sick-child or any other type of OFLA leave.
- **P** Female employees who must take leave because of a pregnancy-related disability which prevents the employee from performing any available job duties as documented by the employee's treating physician or health care provider, may take an additional 12 weeks for other purposes approved under the law.

Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that worker's compensation leave, leave for a non-industrial injury or illness (including paid leave such as sick leave), leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family medical leave and state family medical leave may all run concurrently and be counted against the employee's annual family medical leave entitlement. All applicable leave will be governed by City policies, bargaining agreements, State laws, and/or Federal laws.

CITY'S RESPONSIBILITIES

Þ If the City (specifically the employee's supervisor, Human Resources, or any other management employee) acquires knowledge that an employee may need to take FMLA leave for any of the reasons specified in these policies, the City will inform the employee of their entitlement to request leave within 2 working days.

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- **Þ** Human Resources will furnish the employee with a copy of this policy, a leave request form, and the required medical certification form. This information must be completed and returned to the employee's supervisor within the timelines stipulated under "Employee's Responsibilities."
- After the supervisor has acquired all the necessary signatures on the leave request form, it should be forwarded to Human Resources who will determine the employee's eligibility and make a entitlement designation within 2 working days of receipt of the completed request forms. Notification will be in writing.
- **Þ** It is the City's right and responsibility to determine and designate leave as FMLA if the eligibility standards are evident. Such a designation will be based on information obtained either from the employee or his/her spokesperson (e.g., spouse, parent, physician, etc.) in the event the employee is incapacitated.
- **Þ** If the City is unable to confirm that the requested leave qualifies as FMLA leave, it may declare a preliminary designation regarding eligibility. However, upon receipt of the medical information, the City must either withdraw or finalize the preliminary designation in writing to the employee.

SUPERVISOR'S RESPONSIBILITIES

- **P** When a supervisor becomes aware of a pending leave of absence which might qualify for FMLA leave, the supervisor will provide the employee with a brief summary of their FMLA rights and advise the employee to contact Human Resources for more details. The supervisor should **immediately** advise Human Resources of this referral.
- **P** After the supervisor reviews the leave request, they must immediately forward the request form to the appropriate signing authority (i.e., Department Head, City Manager, Human Resource Director). It is the supervisor's responsibility to assure that all necessary signatures are acquired and that the signed leave request form is submitted to Human Resources within one (1) working day after receipt from the employee.
- P All medical documentation must be forwarded to Human Resources. No medical files shall be retained at the supervisor's desk. It is also important to remember that the supervisor must protect the confidentiality of the employee. Information should be shared only on "as need to know" basis and no specifics should be shared with the employee's co-workers.
- **P** The supervisor is required to process a Personnel Action form with all the appropriate signatures for the employee's leave of absence.

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- **P** The supervisor should make arrangements with the employee for the completion and submittal of timesheets. Timesheets need to be processed by standard Payroll procedures.
- **P** The supervisor should make every effort to maintain ongoing communication with the employee during his/her absence for the purpose of acquiring status reports especially in regards to the employee's return to work date. Contacts should take place at least every 30 days.
- **P** The supervisor should notify Human Resources of the employee's pending return to work and acquire any necessary medical release information prior to the employee's return to the job.

EMPLOYEE'S RESPONSIBILITIES

- **P** The employee should notify their supervisor of any pending leave of absence and contact Human Resources for additional details of their FMLA rights.
- **P** The employee is required to submit a completed City of Tigard "Family and Medical Leave of Absence Request" form to their supervisor within the following time frames:
 - a) When leave is anticipated, written notice must be provided at least 30 calendar days prior to the start of leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.
 - b) When leave is unexpected, verbal notice must be provided to the supervisor or Human Resources within 24 hours of the leave commencement plus written notice must be forwarded to Human Resources within 3 days after returning to work.
 - c) Failure to comply with providing proper notice will result in delaying the leave until proper notice is received.
- **P** The employee should submit any required written verification from their treating physician or health care provider based on the timeframes and guidelines identified under the "Medical Certification" section below.
- **P** The employee should make arrangements with their supervisor for the completion and submittal of timesheets during their leave of absence.
- **Þ** The employee should keep their supervisor and Human Resources apprised of their situation on a regular basis.
- **P** The employee should inform their supervisor and Human Resources of their intent to return to work as soon as their treating physician has informed them of the release date.

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P The employee should forward any required medical release documentation from their treating physician or health care provider to Human Resources at least one day prior to returning to work.

MEDICAL CERTIFICATION

- **P** The City requires written verification from the treating physician or health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to either the employee or the employee's family member on a form furnished by the City.
- **Þ** In cases where the serious health condition is unanticipated, the employee has 15 days from the date of the City's request to provide the required medical certification.
- **Þ** The City has the right to solicit a second and, if necessary, a third opinion to verify the health care provider's certification of a serious health condition. This verification will be at the City's expense.
- **Þ** If the required medical certification does not validate the necessity for FMLA leave, the leave will be retracted. In this situation, employees may be placed on unapproved leave of absence and the time originally counted toward their FMLA entitlement will be revoked.
- **Þ** For employees on approved intermittent family medical leave, additional medical certification may be required upon expiration of the current medical certification or every 30 days as deemed necessary by the City.
- **P** The City also requires the employee to contact their supervisor with a status report at least every 30 days. In addition, the employee must inform their supervisor of their intent to return to work at least one day before returning to the job.
- **Þ** In the case of the employee's own serious illness, a medical release form will be required before returning to work.
- **D** If an employee has used leave to care for a sick child on **more than** three occurrences **separate** occasions in the past a 12 months leave period, upon request the employee must provide medical documentation that their child was ill and required home care to support any additional use of sick child leave.

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USE OF PAID LEAVE TIME

- P The City requires the substitution of accumulated sick leave prior to or during the duration of FMLA leave as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws unless the leave is running concurrent with Worker's Compensation leave and the employee is receiving time loss benefits.
- After sick leave has been exhausted, employees are required to use any other accumulated paid time (i.e., vacation, eompensatory time, management leave, floating holiday, appointment leave, etc.) as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws during their leave of absence before being placed on unpaid leave status. Earned time (i.e., compensatory time and M2 time) is not eligible to be used during approved Oregon and/or Federal Family Medical Leave unless otherwise provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws.
- **P** Employees are required to notify their supervisor of the order in which accumulated paid time (after sick leave has been exhausted) is to be used during the period of time they are on FMLA leave as provided by applicable City policies, bargaining agreements, State laws, and/or Federal laws.

BENEFIT CONTINUATION

- **P** The City will continue to maintain group health insurance coverage for the employee for the duration of their leave on the same terms as if the employee is working. This includes medical, vision, and dental. If applicable, the employee is responsible for paying their share of health insurance premiums while on leave arrangements will be made prior to the start of the leave.
- **P** Non-medical related benefits (i.e., LTD, Life, etc.) are the responsibility of the employee when on leave without pay status.
- **P** Once an employee is placed on leave without pay status as a result of using all their accumulated paid leave, the employee will not continue to accrue time and benefits associated with the employee's length of service.
- **Þ** If the employee chooses not to return to the City after their FMLA leave (other than as a result of their **own** serious health condition), the City has the right to recoup any health insurance costs spent in their behalf.
- **Þ** If the employee does not return to work after the allotted 12 weeks (either by choice or inability), they will be eligible for continuation of health benefits through COBRA provided the employee does not have other health coverage.

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REINSTATEMENT

- **P** The City will make every effort to reinstate the employee in their former position.
- **P** If reinstatement to the employee's former position is not possible due to the unanticipated elimination of the position during the time of the employee's absence, the employee will be reinstated to an equivalent position if one exists. If the employee is covered by a collective bargaining agreement, reinstatement will comply with the terms of the agreement.

Revised 1/02

AGENDA ITEM #	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE	Rights-of-way dedication at the intersecti	ion of SW North Dakota Street	and SW	
115 th Avenue, at the intersection	n of SW Walnut Street and SW Tiedeman	Street and along SW Gaarde Stre	et.	
PREPARED BY: G. Berry	DEPT HEAD OK	CITY MGR OK		
	ISSUE BEFORE THE COUNC!	<u>L</u>		
Shall City Council dedicate additional rights-of-way at the intersection of SW North Dakota Street and SW 115 th Avenue, the intersection of SW Walnut Street and SW Tiedeman Street and along SW Gaarde Street?				
	STAFF RECOMMENDATION	<u> </u>		
That City Council approves the	e attached resolution authorizing the City M	Manager to sign the Dedication De	eds.	
	INFORMATION SUMMARY			

The City has purchased several parcels of land to widen or extend rights-of-ways to accommodate street improvements for three completed projects. These parcels are currently being used for right-of-way although the City continues to own the title to the parcels. Generally, rights-of-way are created by conveying title to the public. The purpose of the dedication is to convey these City-owned parcels to the public so that the parcels become rightsof-way.

SW North Dakota Street and SW 115th Avenue (Exhibit "A") – This is a 0.30 acre parcel at the southeast corner of this intersection required for a 1987 project that realigned a portion of SW North Dakota Street. The entire parcel is intended for right-of-way use.

SW Walnut Street and SW Tiedeman Street (Exhibit "B") - The recent street improvements at this intersection required the City to acquire two parcels. The first parcel has a total area of 0.90 acre. The proposed dedication includes 0.36 acre of the parcel. The City will continue to own the remaining 0.54 acre. The other parcel is at the northeast corner of SW Walnut and SW Fonner Streets and has a total area of 0.33 acre. The proposed dedication includes 0.08 acre of the parcel. The remaining 0.25 acre is currently being used for a City-owned stormwater treatment facility and will be retained by the City.

SW Gaarde Street (Exhibit "C") – This is a 1.26 acre northerly extension of the Gaarde Street right-of-way to SW Walnut Street to accommodate improvements completed last August. The proposed right-of-way extends through two City-owned parcels that have a combined area of 1.58 acre that will not be included in the right-of-way. The City will continue to own this remaining area.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

Attachment "1": Proposed Resolution

Exhibit "1": Dedication deed with Exhibit "A" and map,

Exhibit "2": Dedication deed with Exhibit "B" and map,

Exhibit "3": Dedication deed with Exhibit "C" and map.

FISCAL NOTES

Not applicable

i:\citywide\sum\summary for right-of-way dedications.doc

Attachment 1

CITY OF TIGARD, OREGON

RESOLUTION NO.	02-
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DEDICATION D	DEED DEDICA W 115 TH AVE	NG THE CITY M ATING ADDITION ENUE, SW WALN	NAL RIGI	HTS-OF-WAY	AT SW NORT	H DAKOTA
WHEREAS, the improvements have	-	ard has purchased ted;	d land red	quired for stree	t improvement	ts and those
WHEREAS, the C	City desires to c	onvey the land to t	he public f	or street purpose	s;	
NOW, THEREFO	ORE, BE IT RE	SOLVED by the T	igard City	Council that:		
SECTION 1:	dedicating the	City Council hereby e property to the putereto as Exhibit "Ince.	ıblic for stı	eet purposes. C	opies of the dec	lication deeds
PASSED:	This	_ day of		2002.		
ATTEST:			Mayor -	City of Tigard		
City Recorder - C	ity of Tigard					
i:\citywide\res\resolution for right-of-wa	ay dedications.doc					

RESOLUTION NO. 02-___ Page 1

CITY HALL RECORDS DEPARTMENT, CITY OF TIGARD 13125 SW Hall Blvd. Tigard, OR 97223	
EXHIBIT "1"	
File No	
DEDICATION DEED	
FOR ROAD OR STREET PURPOSE	
	public a perpetual right-of-way for street, road, and utility hin the following described real properties in Washington
Attach	ned Exhibits "A"
To have and to hold the above-described and dechereinabove stated.	dicated rights unto the public forever for uses and purposes
IN WITNESS WHEREOF, I hereunto set my har	nd on this day of, 20
City of Tigard	
Name of Corporation	William A. Monahan, City Manager
13125 SW Hall Blvd. Address	-
Tigard OR 97223	-
	-
STATE OF OREGON)	
) ss. County of Washington)	
This instrument was acknowledged before me on	(date) by
of	(name(s) of person (s)) as (type of authority, e.g., officer, trustee, etc.) (name of party on behalf of whom instrument was executed).
	Notary's Signature
	My Commission Expires:
Accepted on behalf of the City of Tigard this	day of, 20

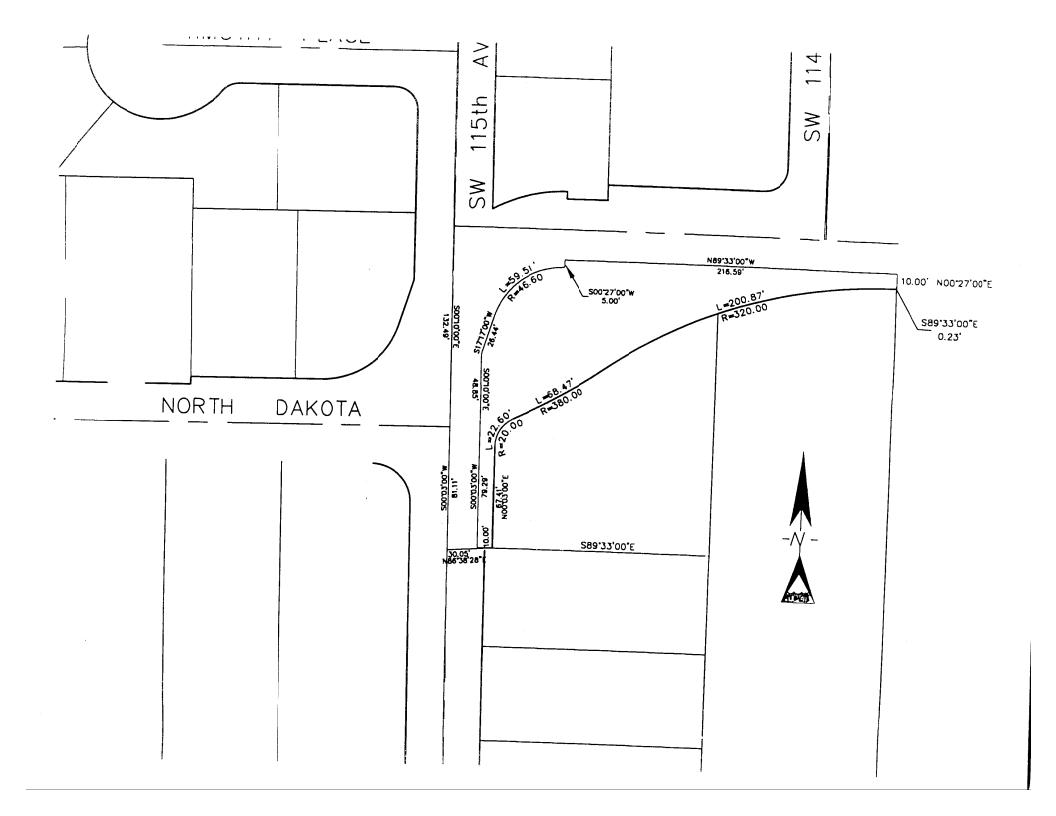
City Engineer

EXHIBIT "A" LEGAL DESCRIPTION FOR RIGHT OF WAY DEDICATION

A TRACT OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS S 00° 10' E A DISTANCE OF 132.49 FEET AND S 00° 03' W A DISTANCE OF 81.11 FEET AND N 86° 38'28" E 30.05 FEET FROM THE NORTHWEST CORNER OF THE J. L. HICKLIN DLC NO. 54 T1S R1W, W.M.; SAID BEGINNING POINT IS ALSO ON THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO LAWRENCE P. KALSCH AS DESCRIBED IN BOOK 1197 PAGES 633 AND 634 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE N 00° 03' 00" E A DISTANCE OF 67.41 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT: THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET A DELTA OF 64° 45' 29" (A CHORD WHICH BEARS N 32° 25' 44" E 21.42 FEET) AND A LENGTH OF 22.60 FEET TO A POINT OF REVERSING CURVE TO THE LEFT: THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 380.00 FEET A DELTA OF 10° 19' 23" (A CHORD WHICH BEARS 59° 38' 47" E 68.37 FEET) AND A LENGTH OF 68.47 FEET TO A POINT OF REVERSING CURVE TO THE RIGHT: THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 320.00 FEET A DELTA OF 35° 57' 54" (A CHORD WHICH BEARS 72° 28' 03" E 197.59 FEET) AND A LENGTH OF 200.87 FEET TO A POINT OF TANGENCY: THENCE S 89° 33' 00" E A DISTANCE OF 0.23 FEET TO A POINT OF THE EASTERLY LINE OF THAT TRACT OF LAND CONVEYED TO EDWARD F. AND DORIS M. FERREL AS RECORDED IN BOOK 302 (RECORDED IN DECEMBER 20.1949) SAID POINT LYING 30.00 FEET SOUTHERLY OF THE CENTER LINE OF SW NORTH DAKOTA STREET WHEN MEASURED AT RIGHT ANGLES: THENCE N 00° 27' 00" E, ALONG THE EASTERLY LINE OF SAID FERREL TRACT. A DISTANCE OF 10.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF SW NORTH DAKOTA STREET: THENCE ALONG THE SOUTHERLY AND EASTERLY RIGHT OF WAY OF SW NORTH DAKOTA THE FOLLOWING 5 COURSE; THENCE N 89° 33' 00" W A DISTANCE OF 216.58 FEET TO A POINT 20.00 FEET SOUTHERLY OF THE TERMINUS OF COUNTY ROAD 1992: THENCE S 00° 27' 00" W A DISTANCE OF 5.00 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 46.60 FEET A DELTA OF 73° 10' (A CHORD WHICH BEARS S 53° 52' 00" W 55.55 FEET) AND A LENGTH OF 59.51 FEET; THENCE S 17° 17' 00" W A DISTANCE OF 26.44 FEET; THENCE S 00° 10' 00" E A DISTANCE OF 48.85 FEET; THENCE S 00° 03' 00" W A DISTANCE OF 79.33 FEET TO THE SOUTHERLY LINE OF THE KALSCH TRACT AS DESCRIBED IN BOOK 1197 PAGES 633 AND 634 OF THE WASHINGTON COUNTY DEED RECORDS: THENCE S 89° 33' 00" E. ALONG SAID SOUTHERLY LINE, A DISTANCE OF 10.00 FEET TO POINT OF BEGINNING.

CONTAINING 13046 SQUARE FEET



RETURN RECORDED DOCUMENT TO: CITY HALL RECORDS DEPARTMENT, CITY OF TIGARD 13125 SW Hall Blvd. Tigard, OR 97223	
EXHIBIT "2"	
File No	
DEDICATION DEED	
FOR ROAD OR STREET PURPOSE	ES
	S
	public a perpetual right-of-way for street, road, and utility thin the following described real properties in Washington
Attach	hed Exhibits "B"
To have and to hold the above-described and dehereinabove stated.	dicated rights unto the public forever for uses and purposes
IN WITNESS WHEREOF, I hereunto set my har	nd on this day of, 20
City of Tigard	
Name of Corporation	William A. Monahan, City Manager
13125 SW Hall Blvd. Address	_
Tigard OR 97223	
	_
STATE OF ODECOM)	
STATE OF OREGON) ss.	
County of Washington)	
This instrument was acknowledged before me on	(date) by (name(s) of person (s)) as
	(type of authority, e.g., officer, trustee, etc.) (name of party on behalf of whom instrument was executed).
	Notary's Signature
	My Commission Expires:
Accepted on behalf of the City of Tigard this	day of, 20

City Engineer

EXHIBIT B LEGAL DESCRIPTION FOR RIGHT-OF-WAY DEDICATION

A TRACT OF LAND LOCATED IN THE NE ONE-QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN FEE NUMBER 80029444 OF THE WASHINGTON COUNTY DEED RECORDS. BEING ON THE CENTER LINE OF SW WALNUT STREET: THENCE S 89° 01' 15" W, ALONG SAID CENTER LINE, A DISTANCE OF 19.98 FEET; THENCE S 00° 42' 50" W, LEAVING SAID CENTER LINE, A DISTANCE OF 20.01 FEET TO A POINT BEING ON THE SOUTH AND WEST RIGHT-OF-WAY OF WALNUT STREET AND THE TRUE POINT OF BEGINNING; THENCE S 00°42' 36" W, ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 218.43 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY: THENCE S 80° 49' 54" W, ALONG THE SOUTH LINE OF SAID PROPERTY, A DISTANCE OF 10.20 FEET TO A POINT 30.00 FEET FROM THE CENTER LINE OF SW WALNUT STREET WHEN MEASURED AT RIGHT ANGLES: THENCE N 00° 42' 36" E, PARALLEL WITH AND 30 FEET FROM THE CENTER LINE OF SW WALNUT STREET WHEN MEASURED AT RIGHT ANGLES. A DISTANCE OF 50.58 FEET TO A POINT 50.00 FEET FROM THE CONSTRUCTION CENTER LINE SHOWN ON SURVEY NO. 28297 (WHEN MEASURED AT RIGHT ANGLES; THENCE N 41° 41' 35" W, PARALLEL WITH AND 50.00 FEET FROM SAID CENTER LINE, A DISTANCE OF 137.07 FEET TO A POINT OF CURVE OF A CURVE TO THE LEFT: THENCE ALONG THE CURVE TO THE LEFT WITH A RADIUS OF 116.00 FEET, A DELTA OF 38° 31' 29", (A CHORD WHICH BEARS N 60° 57' 20" W, 76.54 FEET) AND A LENGTH OF 78.00 FEET TO THE WESTERLY LINE OF SAID PROPERTY AND A POINT 50.00 FEET FROM SAID CONSTRUCTION CENTER LINE; THENCE N 00° 40' 13" E. ALONG SAID WESTERLY PROPERTY LINE. A DISTANCE OF 27.01 FEET TO A POINT OF THE SOUTH RIGHT-0F-WAY OF SW WALNUT STREET; THENCE N 89° 01' 15" E, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 169.87 FEET TO THE POINT OF BEGINNING.

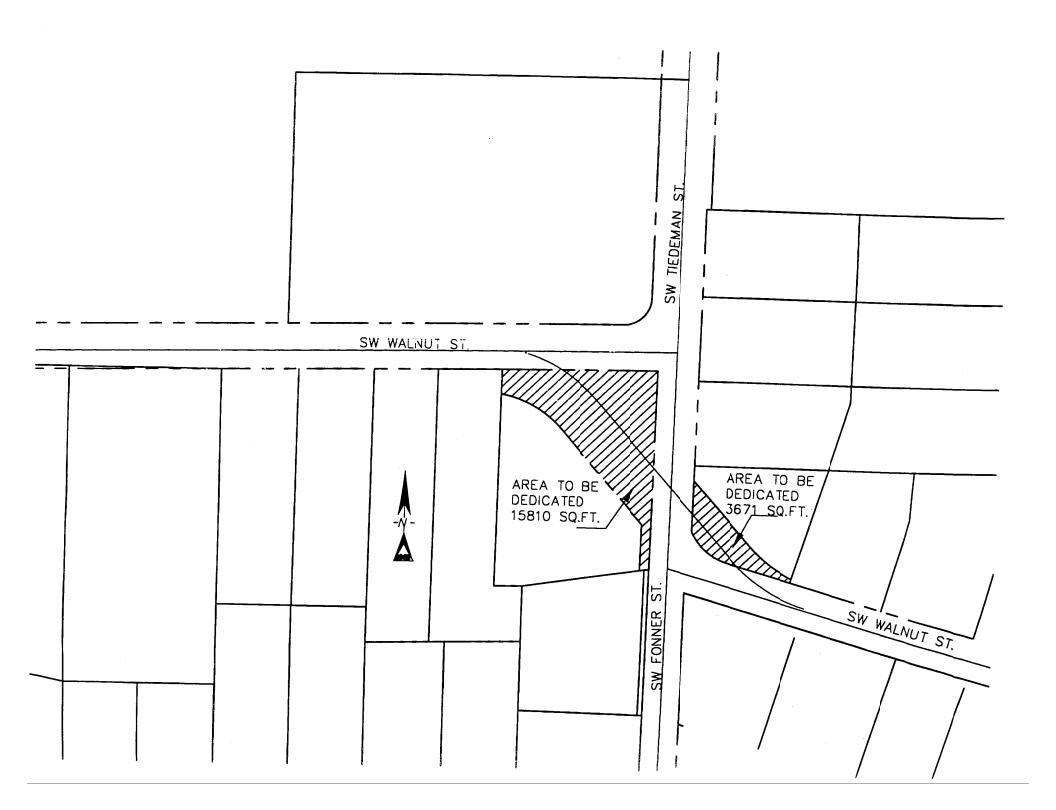
CONTAINING 15810 SQUARE FEET.

LEGAL DESCRIPTION FOR RIGHT-OF-WAY DEDICATION

A TRACT OF LAND LOCATED IN THE NE ONE-QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 COTTONWOOD PLACE AS RECORDED IN BOOK 21 PAGE 30 OF THE WASHINGTON COUNTY SUBDIVISION RECORDS: THENCE N 74° 30'11" W, ALONG THE NORTH RIGHT-OF-WAY OF SW WALNUT STREET. A DISTANCE OF 72.18 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT; THENCE ALONG THE CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET. A DELTA OF 50° 42' 27", (A CHORD WHICH BEARS N 49° 08' 57" W, 51.38 FEET) AND A LENGTH OF 53.10 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SW WALNUT STREET; THENCE N 00° 42' 36" E, ALONG SAID RIGHT-OF-WAY A DISTANCE 55.98 FEET TO A POINT 25 FEET (MEASURED AT RIGHT ANGLES) FROM THE CONSTRUCTION CENTER LINE SHOWN ON SURVEY NO. 28297; THENCE S 41° 41' 35" E, PARALLEL WITH AND 25.00 FEET FROM SAID CENTER LINE. A DISTANCE OF 94.38 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ALONG THE CURVE TO THE LEFT WITH A RADIUS OF 141.00 FEET, A DELTA OF 23° 31' 29", (A CHORD WHICH BEARS S 53° 27' 20" E, 57.49 FEET) AND A LENGTH OF 57.89 FEET TO THE EASTERLY LINE OF SAID LOT 6. BEING 25.00 FEET FROM SAID CONSTRUCTION CENTER LINE: THENCE S 16° 27' 36" W, ALONG SAID EASTERLY LINE, A DISTANCE OF 4.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 3671 SQUARE FEET.



RETURN RECORDED DOCUMENT TO: CITY HALL RECORDS DEPARTMENT, CITY OF TIGARD 13125 SW Hall Blvd. Tigard, OR 97223	
EXHIBIT "3"	
File No	
DEDICATION DEED	
FOR ROAD OR STREET PURPOSES	5
	S
	bublic a perpetual right-of-way for street, road, and utility in the following described real properties in Washington
Attache	ed Exhibits "C"
To have and to hold the above-described and dedi hereinabove stated.	icated rights unto the public forever for uses and purposes
IN WITNESS WHEREOF, I hereunto set my hand	d on this day of
City of Tigard	
Name of Corporation	William A. Monahan, City Manager
13125 SW Hall Blvd. Address	
Tigard OR 97223	
-	
STATE OF OREGON) ss.	
County of Washington)	
	(date) by
of	(name(s) of person (s)) as (type of authority, e.g., officer, trustee, etc.) (name of party on behalf of whom instrument was executed).
	Notary's Signature
	My Commission Expires:
	2
Accepted on behalf of the City of Tigard this	day of, 20

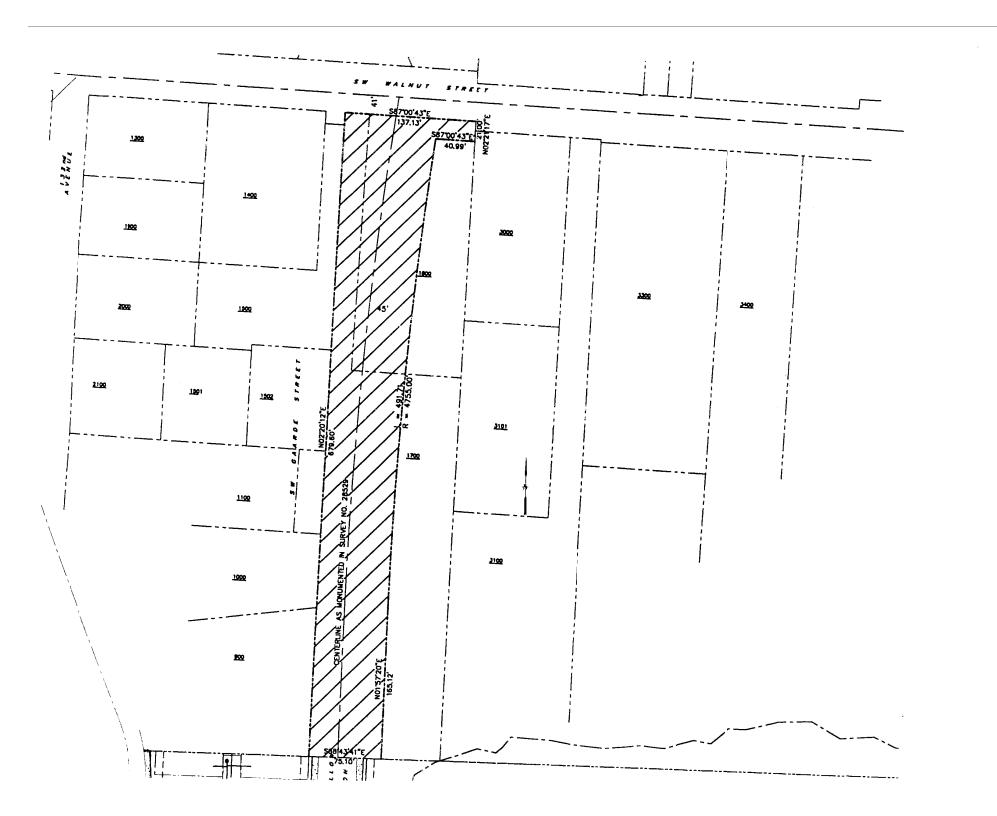
City Engineer

EXHIBIT "C" LEGAL DESCRIPTION FOR RIGHT-OF-WAY DEDICATION

A TRACT OF LAND LOCATED IN THE NE ONE-QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 94062914 OF THE WASHINGTON COUNTY DEED RECORDS. ALSO BEING THE NORTHEAST CORNER OF LOT 125 QUAIL HOLLOW WEST AS RECORDED IN BOOK 130 PAGE 42-48 OF THE WASHINGTON COUNTY SUBDIVISION RECORDS: THENCE N 02° 20' 12" E ALONG THE WEST LINE OF SAID FEE NUMBER. A DISTANCE OF 679.60 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SW WALNUT STREET. 20.00 FEET FROM CENTER LINE WHEN MEASURED AT RIGHT ANGLES: THENCE S 87° 00' 43" E, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 137.13 FEET TO THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 93025221 OF THE WASHINGTON COUNTY DEED RECORDS; THENCE S 02° 21' 17" W, ALONG SAID EASTERLY LINE, A DISTANCE OF 21.00 FEET TO A POINT WHICH IS 41.00 FEET FROM THE CENTER LINE OF SW WALNUT STREET. WHEN MEASURED AT RIGHT ANGLES; THENCE N 87° 00' 43" W, PARALLEL WITH AND 41.00 FEET FROM SAID CENTER LINE. A DISTANCE OF 40.99 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, BEING 45' EASTERLY WHEN MEASURED AT RIGHT ANGLES FROM THE CENTER LINE MONUMENTED IN SURVEY NUMBER 28529 OF THE WASHINGTON COUNTY SURVEY RECORDS; THENCE PARALLEL WITH AND 45 FEET FROM SAID CENTER LINE FOR THE FOLLOWING TWO COURSES; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 4755.00 FEET. A DELTA OF 5° 55' 30" (A CHORD WHICH BEARS S 04° 55' 05" W, 491.50 FEET) AND A LENGTH OF 491.71 FEET TO A POINT OF TANGENCY: THENCE S 01° 57' 20" W A DISTANCE OF 165.12 FEET TO THE SOUTH LINE OF DOCUMENT NUMBER 94062914 AND THE NORTH LINE OF QUAIL HOLLOW WEST; THENCE N 88° 43' 41" W, ALONG SAID NORTH LINE A DISTANCE OF 75.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 54972 SQUARE FEET.



AGENDA ITEM # _	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution to Approve Year Twelve of the Washington County Wasteshed	<i>N</i> aste
Reduction Plan and to Adopt an Intergovernmental Agreement with Washington County	
PREPARED BY: Tom Imdieke DEPT HEAD OK CITY MGR OK	
ISSUE BEFORE THE COUNCIL	
Should the City participate with Washington County by signing an IGA to meet Metro waste reduction work prequirements for Year 12?	ılan
STAFF RECOMMENDATION	
Approve IGA with Washington County to work together to meet Metro Year 12 Waste Reduction Work Plan requirements.	
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INFORMATION SUMMARY

Metro has established a Regional Solid Waste Management Plan (RSWMP) which includes a requirement that the cities and County in Washington County prepare annual waste reduction work plans. The cities and County in Washington County determined in 1990 that it would be more cost-effective to participate together and adopt an annual work program for the Washington County Wasteshed. Tigard has been a member of the Wasteshed since that time. On 7/1/97, the City of Beaverton withdrew from the Wasteshed, however, all other cities within the County continue to work together.

This year the plan continues to bring together three integral pieces of the region's waste reduction and recycling system: new and focused efforts to recover more from the commercial, construction/demolition debris, and organics sectors; continuation of competitive grants for innovative waste reduction programs; and the maintenance of programs that form the foundation of the region's recycling infrastructure.

The term of this agreement would be for one year but now this twelfth year agreement establishes automatic renewal of the program if funding from Metro continues to be available. Any party, however, could terminate participation in the program by giving 30 days notice.

OTHER ALTERNATIVES CONSIDERED

Withdraw from the Countywide program and adopt a plan for the City of Tigard pursuant to the requirements in ORS Chapters 268 and 459. This plan would also have to be in compliance with Metro's RSWMP.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Does not apply

ATTACHMENT LIST

- Resolution which records Council's action to approve the IGA and participate in the Year 12 Work Program;
- IGA with Washington County with two attachments.

FISCAL NOTES

Tigard's portion of the funding for the FY 2001-02 work plan is provided by a Metro grant for \$17,858. This is paid to Washington County to administer the program

CITY OF TIGARD, OREGON

RESOLUTION NO.	02-
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	TO APPROVE YEAR TWELVE OF THE WASHINGTON COUNTY WASTESHED TION PLAN AND TO ADOPT AN INTERGOVERNMENTAL AGREEMENT WITH COUNTY			
WHEREAS, the a	bove entitled matter came before the Council at the meeting of March 12, 2002; and			
•	pursuant to Metro's Regional Solid Waste Management Plan, including the Waster, all local governments are to adopt an annual work plan for waste reduction; and			
	the City of Tigard and Washington County may enter into an agreement pursuant to ORS ORS 459.065(1)(b); and			
	Washington County Cooperative Recycling Program Technical Committee has developed plan and agreement with full participation by staff of the City of Tigard.			
NOW, THEREFO	RE, BE IT RESOLVED by the Tigard City Council that:			
SECTION 1:	The Washington County Wasteshed Annual Waste Reduction Program, Year Twelve, as recently submitted to the City, is designated as the City of Tigard's approved annual work plan for waste reduction for Fiscal Year 2001-02.			
SECTION 2:	The City of Tigard approves the Washington County Waste Reduction Intergovernmental Agreement and enters into and authorizes the City Manager to sign an agreement with Washington County for Fiscal Year 2001-02.			
EFFECTIVE DAT	ΓE: March 13, 2002			
PASSED:	This, 2002.			
	Mayor - City of Tigard			
ATTEST:				
City Recorder - Ci	ity of Tigard			

RESOLUTION NO. 02-__ Page 1

WASHINGTON COUNTY WASTESHED ANNUAL WASTE REDUCTION PROGRAM INTERGOVERNMENTAL AGREEMENT YEAR 12: FISCAL YEAR 2001 - 2002

I. Parties

Parties to this Agreement are Washington County (hereinafter "County") and the individual signatory city. Plan participants expected to sign agreements are the County and the Cities of Banks, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin and Wilsonville (hereinafter "Cities"). Any reference hereinafter to "Local Government" shall include both County and Cities.

II. Statutory Authority

This Agreement is entered into pursuant to ORS Chapter 190 and ORS 459.065(1)(b).

III. Purpose

Pursuant to ORS Chapter 268, ORS Chapter 459, and related administrative rules, Metro has established a Regional Solid Waste Management Plan (RSWMP), including a waste reduction chapter. The RSWMP provides that Metro shall establish a multi-year work plan for solid waste reduction and identifies specific programs for Local Governments to implement the Metro plan. Metro has established guidelines for Local Government's participation in the form of an Annual Waste Reduction Program for Local Governments for Year Twelve (July 1, 2001 to June 30, 2002) of Metro's work plan. The Metro plan requires Local Governments to adopt a work program annually. The Annual Waste Reduction Program establishes minimum requirements for Local Government's work programs for years one through ten, and provides that Local Governments may work cooperatively with neighboring Local Governments if intergovernmental agreements documenting cooperative arrangements are submitted .with the Local Government program. The purpose of this Agreement is to document the cooperative arrangements among the Local Governments, to establish the duties of the County as administrator of the Local Government Annual Waste Reduction work plan for the fiscal year 2001-2002, and to provide a structure for continuing working relationships among the Local Governments during the upcoming years of Metro's work plan.

IV Term of Agreement

Participation shall be accomplished by adoption of the plan and by entering into this Agreement. The term of this Agreement shall commence upon execution and shall continue in effect through June 30, 2002, unless terminated by either party upon thirty (30) days notice in writing. Thereafter, this agreement shall automatically renew for successive one-year terms (July 1 - June 30) if funding from Metro is available. Any party may terminate its participation in this agreement upon 30 days notice.

V. Administrative Structure

- A. The Washington County Wasteshed Technical Committee shall consist of a staff member from each Local Government appointed by each of the Local Government administrators or governing bodies.

 County staff shall act as administrative coordinator of the Technical Committee.
- B. The Technical Committee shall develop and propose an annual work plan including projected annual expenses and revenues for future years as necessary. The annual work plan will be developed in a timely manner to meet all deadlines set by Department of Environmental Quality, Metro and participating Local Governments.. Annual work plans will be presented for approval by the governing body of each Local Government on one-year intervals only. The annual work plans shall provide Local Governments with minimum waste reduction standards consistent with the Metro plan; individual Local Governments may impose higher standards for waste reduction.

VI. Duties of Parties

A. County Duties as Program Administrator

The County shall perform work requiring technical expertise, including plan development, data collection and compilation, report writing, program coordination, technical advice to participating governments, and general information to the public. The County shall recommend policies and develop model ordinances as necessary, and generally promote the Local Government waste reduction programs. The County shall also perform fieldwork including performing waste evaluations, commercial recycling, single-family recycling, multi-family recycling, school and community education, and special event promotion. The County shall also perform work requiring coordination with Metro, DEQ, and other agencies, and represent the Local Governments before such

agencies. In addition, the County shall perform the specific duties outlined in Attachment I (page 2).

B. County Duties as Grant Applicant

The County may act as agent for all participating jurisdictions in applying for waste reduction and recycling grant funds as determined appropriate by the Technical Committee. Disbursement of funds will be to local participating jurisdictions or franchised haulers based on a formula to be determined by the Technical Committee or set by grant requirements. This does not preclude any Local Government from applying individually for any waste reduction and recycling grant.

C. Duties of Each Local Government

Each Local Government shall undertake annual program tasks that are internal in nature, such as waste reduction and recycling activities and procurement of recycled products. Unless otherwise assigned by a separate intergovernmental agreement, each Local Government shall also be responsible for enforcement of solid waste reduction plan standards with respect to the solid waste collection ordinances and franchisees within each Local Government jurisdiction; enforcement may include complaint investigation, service standard review, reporting and revisions to Local Government codes based upon the model code developed by the County. In addition, each Local Government shall be responsible for establishing rates for collection franchisees within each Local Government's jurisdiction consistent with the waste reduction program. Each Local Government designates the County to act as its agent in receiving the Metro Annual Waste Reduction Grant funds and other appropriate recycling grant funds. In addition, each Local Government shall perform the specific duties outlined in Attachment I (page 2) and as noted in the Year 12 Annual Waste Reduction Work Plan (Attachment II).

D. Indemnification

1. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, the County shall hold harmless, defend, and indemnify City, its directors, officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the County's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of the County

2. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, City shall hold harmless, defend and indemnify the County, its Commissioners, employees, and agents against all claims, demands, actions, and suits (including all attorney fees and costs) arising from City's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of City.

VII. Funding

- A. Each City shall pay to Washington County as program administrator the amount identified as the City's share for administrative costs as allocated under the annual plan recommended by the Technical Committee and approved by the participating Local Governments. For the 2001-2002 year, each Local Government's share shall consist of all revenue from the Metro "Annual Waste Reduction Program" grant for the current program year, in accordance with Attachment I (page 3). Washington County shall act as administrator for revenues collected by cooperative efforts of the Local Governments. Each Local Government shall have the right to audit for up to three years County records relating to Metro grant funds received through this Agreement. County may immediately terminate this agreement by written notice to City in the event County does not receive adequate funding from Metro. If so terminated, County shall refund to City its unexpended allocation of the year's grant funds received by County from Metro.
- B. For each subsequent term of this agreement, the funding allocation shall be as set forth in Metro's Annual Waste Reduction Program for Local Governments Agreement. That Agreement shall be forwarded to each City upon receipt by County. Any City may object to any term or condition of the Annual Waste Reduction Program for Local Governments Agreement, provided that the objection is raised within 30 days of receipt. If no objection is raised, the terms of the Annual Waste Reduction Program for Local Governments Agreement shall be automatically incorporated into this agreement 30 days after receipt by the Cities. If an objection is raised the parties shall use their best efforts to resolve the issues.

Washington County Wastes∄ed Annual Waste Reduction Program Intergovernmental Agreement: Year 12	

	TV	\cap	
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By	
Title	
Date	

WASHINGTON COUNTY

Ву			
Title_			
Date			

Washington County Cooperative Recycling Program Annual Waste Reduction Program: *History, Responsibilities, and Funding*Year 12: Fiscal Year 2001 – 2002

Mission:

The Washington County Cooperative Recycling Program is an intergovernmental organization formed by the Cities of Banks, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, Wilsonville, and unincorporated Washington County.

The Cooperative Recycling Program is committed to providing solid waste management, including waste reduction program planning, public education, and developing recycling and collection services which are provided in an efficient, affordable, and environmentally sound manner in order to achieve state mandated and regional waste recovery goals. The Cooperative Recycling Program's goal is to reduce duplicate efforts on the part of participating local governments in achieving recovery goals and providing service. Priorities for the Cooperative Recycling Program are:

- Complying with state law and achieving regional goals.
- Providing education and information on solid waste, waste reduction, recycling, and reuse.
- · Providing program coordination with other jurisdictions and agencies.
- Ensuring efficient, affordable, and consistent services for the public.

History:

The Cities and unincorporated County first met in 1989 to develop a joint approach to yard debris recycling. In 1990 the Cities and County again met and formed a coalition of governments interested in developing a coordinated approach to providing services and programs, thereby conserving both fiscal and environmental resources. This coalition was named the Washington County Cooperative Recycling Program (WCCRP). A Technical Committee was formed to guide the activities of the coalition. For the fiscal year 2001 – 2002, the WCCRP Technical Committee has developed the Year 12 Waste Reduction Program work plan to submit to Metro.

Stakeholders:

The WCCRP local governments work to provide the 383,824 residents and approximately 12,508 (August 2000) commercial establishments alternatives to disposal, such as waste reduction, reuse options, and recycling opportunities. Voter approval of statewide ballot measures which limits tax dollars for a variety of programs, reflects the desire of the public to receive cost effective services. Solid waste collection and recycling services are provided by 16 franchised haulers and a number of recycling firms and processors.

Program Structure:

The Cooperative Recycling Program is guided by the Technical Committee, whose members are representatives from each City and the unincorporated County. Subcommittees are formed in specific program planning areas; for example, commercial recycling and waste reduction program planning, on an as-needed basis. Washington County staff administers the program on a day-to-day basis and monitors overall compliance with state law and regional goals. Each local government is responsible for rate setting and enforcement within their legal boundaries. responsibility is outlined in Figure 1.

Figure 1. Local Government Scope of Responsibility

COUNTY AS PROGRAM ADMINISTRATOR

Plan Development **Data Collection & Compilation** Reporting Requirements **Program Coordination** Technical Assistance to Local Governments General Public Information General Promotion **Public Education** Coordination with Local, Regional, and State Governments and Agencies

Program Implementation:

Residential Curbside Recycling Program Coordinate and Conduct Waste Evaluations Community Education Multi-Family Recycling Program Organic Program Development School Education Commercial Recycling Program

CITIES & UNINCORPORATED COUNTY ROLES IN PROGRAM

Designate County as Annual Waste Reduction Implementation **Grant Administrator** Rate Setting Authority for Franchised Haulers Authorize County to Apply for Waste Reduction Implementation Grants as Applicable

Internal Recycling Programs:

In-House Recycling Programs Procurement Policies Multi-Family Recycling Service Resolution or Ordinance Organic & Yard Debris Facilities Zone Code Review

Waste Reduction Program Enforcement:

Program Implementation Assurance Complaint Investigation Code Revision Service Standard Adoption Report Requirements

Administrative Costs as Lead Jurisdiction

Contribute Revenue to Program and Incur Contribute Revenue to Program for Administrative Costs

Since local governments retain authority over the rate-setting process, it is each local government's responsibility to assess the fiscal impacts of the new waste reduction programs included in the Year 12 Plan and the continuation of existing programs for their franchised haulers.

Funding:

Disposal fees and franchise fees fund the area's waste reduction programs. Metro collects a portion of the disposal fees paid by area residents and redistributes a small percentage of the money in Annual Waste Reduction Program Grants to local governments in order to conduct waste reduction activities. These Waste Reduction Program Grants are awarded on a per capita basis to each City and County (see Table 1).

Table 1. Population and Funding Allocations

Jurisdiction	2000 Population	Metro Challenge Grant Allocation	Franchise Fee Funding	Total Funding
Banks	1,286	\$557	\$0	\$557
Cornelius	9,652	\$4,181	\$0	\$4.181
Durham	1,382	\$599	\$0	\$599
Forest Grove	17,708	\$7.671	\$0	\$7,671
Hillsboro	70,186	\$30,405	\$0	\$30,405
King City	1,949	\$844	\$0	\$844
North Plains	1,605	\$695	\$0	\$695
Sherwood	11,791	\$5.108	\$0	\$5,108
Tigard	41,223	\$17,858	\$0	\$17,858
Tualatin	22,791	\$9,873	\$0	\$9,873
Wilsonville	13,991	\$6.061	\$0	\$6,061
Unincorporated	190,260	\$82.421	\$298,227	\$380.648
Washington County		,,	7-00,-2.	
TOTALS	383,824	\$166,273	\$298,227	\$434,095

Each of the jurisdictions participating in the WCCRP assign their funding through an intergovernmental agreement to Washington County to administer the WCCRP work plan. In addition to the County's Waste Reduction Program Grant money, the County contributes franchise fee generated funds, which matches the amount of Metro funds, for use in administering the Cooperative Recycling Program. Table 1 reflects the 2001 - 2002 level of funding for the program.

Priority will be given to complying with state requirements and maintaining programs established in the first ten years of the waste reduction program. The WCCRP governments should assess the impact of reduced funding on programs and determine whether new funding sources should be secured.

Work Plan:

The work plan for the WCCRP follows, as <u>Attachment II</u>. Responsible parties for each activity is noted for each task.

Year 12 (FY 2001-02)

Metro and Local Government Partnership Plan for Waste Reduction

March 26, 2001

Background:

Since 1990, Metro and its local government partners have developed cooperative plans to implement the region's waste reduction and recycling programs.

These plans, implemented by both Metro and local governments, are designed to:

- build on the foundation of the Regional Solid Waste Management Plan,
- contribute to accomplishing state and regional waste reduction goals,
- provide regional continuity among the various local government and Metro programs.

Through this and other programs, Metro and local governments have worked together to provide programs and services including:

- single and multi-family residential recycling services,
- curbside yard debris collection,
- home composting education,
- waste reduction consultations to businesses,
- in-school programs for students and teachers,
- hazardous waste public outreach and education, and many other valuable programs and services.

Despite demonstrated successes in the residential sector, findings from the State of the Regional Solid Waste Management Plan Report indicated a need to place more emphasis and resources on three critical areas: Commercial waste reduction and recycling; construction and demolition debris management; and recovery of organic wastes. Substantial changes were made to the Annual Plan during 1999-2000, with the Year 11 (2000-01) Plan as the inaugural year for the new format. Year 12 begins the second year of this new structure, a focused approach to the three critical areas (commercial, organics and C&D) and continued support and maintenance of existing regional programs.

In rethinking the manner in which programs are planned and implemented, Metro, DEQ and local government partners chose to take a true team-oriented approach to developing new programs and initiatives. Intergovernmental work groups were formed to plan the new strategies and will implement and measure these new strategies as a team—a truly regional effort. Local jurisdictions and Metro will also continue to maintain and report on independent activities.

This plan brings together three integral pieces of the region's waste reduction and recycling system: New and focused efforts to recover more from the commercial, construction/demolition debris (C&D) and organics sectors; continuation of competitive grants for innovative waste reduction programs; and the maintenance of programs that form the foundation of the region's recycling infrastructure.

New Initiatives-Results to date:

Three intergovernmental teams were formed in the summer of 1999 to develop comprehensive three-year plans to address the lagging recovery progress in the commercial, constructions demolition debris and organic waste areas. The plans were adopted in late 1999 and began implementation in January 2000. The following are some highlights of accomplishments during the first year of implementation.

Organics:

- 1. Waste prevention, donation and diversion:
- A study of food waste-generating industries and their communication channels was completed in August 2000. This study will assist the region in targeting effective outreach methods and messages.
- A study of 92 food-generating businesses in the region to determine where food waste is generated and to guide efforts in waste reduction, donation and collection for processing has been completed.
- \$109,000 in grant funds were awarded in 1999-2000 to develop food recovery and food waste processing infrastructure.
- \$166,383 in grant funds were awarded in 2000-01 to enhance the region's edible food recovery infrastructure.
- Metro continues strong food recovery partnerships with the Oregon Food Bank, St. Vincent de Paul and food industry professional organizations.
- A market study on the feasibility of diverting food waste for animal feed is nearing completion.
- 2. Collection and processing infrastructure development:
- DEQ has begun conducting detailed waste sorts on food waste generating businesses to help determine types and tonnage of food waste.
- A \$600,000 grant program for the development of infrastructure for the collection and
- processing of non-edible food waste has been developed and will be released in early 2001.
- The City of Portland has begun a pilot food waste collection project to determine the feasibility of collection and processing from businesses within the City.
- Metro and the City of Portland continue to coordinate efforts to encourage the development of organic waste processing capacity within the region through Requests for Qualifications and combined Request for Proposal processes.

Commercial:

- Developed a process to assess the accomplishments of the current waste evaluation program that provides business assistance on waste prevention, recycling and buy-recycled efforts.
 - A) Convened a focus group of current and past waste evaluators in November to find out how they think the current program could be improved.
 - B) Designed and developed an instrument to survey 600 Metro region businesses that have and have not received waste evaluations. RFP will be issued in November for market research firm to conduct the survey.

Began design of new commercial technical assistance program (CTAP) that will include an evaluation component for each of the above three activities. As part of that process, the team:

- A) Conducted a survey of other community commercial technical assistance programs. Final report due November 27
- B) Is developing a summary of Metro and local government commercial waste reduction research. Scheduled for December 2000.
- C) Is designing new Commercial Technical Assistance Program. Scheduled to begin February 2001.

Select a specific commercial waste prevention activity with a measurable component and hire a contractor to provide implementation for the targeted industry. Office paper reduction and reusable packaging are examples of two activities that could be pursued. Planning scheduled to commence November 2000.

Developed a work plan and formed an intergovernmental team of planning staff to implement the model building design review initiative.

Construction and Demolition Debris:

- Researched other construction and demolition debris outreach and education programs (successful and not) implemented throughout the country.
- Used the research results to develop a request for proposals and hired a contractor to create a three-year education and outreach strategy for the Metro region. Contractor chosen in August 2000.
 - A) Completed executive interviews with C&D industry leaders in October 2000.
 - B) Began quantitative interviews with contractors, developers and property owners to learn more about their waste management practices and receptiveness to new information about C&D waste.
 - C) Focus groups with C&D industry to test outreach strategies and completed three-year education outreach plan due at project completion in December 2000.

Plan Structure and Format:

The Year 12 Partnership Plan is divided into the following three program areas:

Part I: New Initiatives in Commercial, C&D, and Organics

Part II: Targeted Competitive Grant Program

Part III: Maintenance Programs

Part I is composed of detailed initiatives in the three focus areas: Commercial, C&D, and commercial organics. These initiatives, now in their second year of implementation, form the core of the work and activities to be implemented in the region. Each of the three programs was identified as lagging in recovery levels necessitating intensive, focused planning and implementation efforts over the next few years.

'Part II provides competitive grant funds and a structure to target RSWMP practices that are not otherwise addressed in other program plans and for which other sources of funding are not available. This portion of the program also seeks to support creative methods for addressing solid waste issues.

Each year, an area or areas of focus will be developed based upon targeted needs or regional priorities.

Part III tracks the backbone of established programs in the region that must be continually maintained by local government and Metro services. These programs form the foundation of the region's waste reduction and recycling system and include single and multi-family residential recycling services, regular outreach and education to all residents and businesses, school education programs, household hazardous waste education and outreach, home composting programs, and regional planning support.

Annual Work Plan Development and Approval Process Schedule:

The public input process and program plan development schedule are incorporated into the Year 12 Annual Plan as "Appendix A".

Link to the Regional Solid Waste Management Plan Recommended Practices:

The Regional Solid Waste Management Plan (RSWMP) presents a set of recommended solid waste management practices designed to meet the overall goal of the RSWMP: Continue to develop and implement a Solid Waste Management Plan that achieves a regionally balanced, environmentally sound and publicly acceptable solid waste system.

The RSWMP recommended practices embody six broad, integrated strategies:

- 1. Invest in waste reduction before building additional transfer and disposal capacity.
- 2. Expand the opportunity to recycle.
- 3. Emphasize the waste reduction hierarchy.
- 4. Maintain flexibility and encourage innovation.
- 5. Set interim target dates, define roles and responsibilities, and focus on implementation issues.
- 6. Advance cost-effective practices for managing the region's waste.

The RSWMP-recommended practices were developed for particular areas of the solid waste system: Residential waste reduction, business waste reduction, building industries waste reduction, solid waste facilities regulation and siting, and transfer and disposal facilities.

Specific activities in this annual partnership plan will be tied to the recommended practices through the annual State of the Regional Solid Waste Management Plan Report published by Metro at the end of each calendar year. The Year 12 Partnership Plan addresses all areas of the RSWMP recommended practices through maintenance of established programs, a new emphasis on commercial waste reduction and recycling, construction & demolition debris recovery, and commercial organic waste reduction and recovery.

Measurement of Progress:

Each of the three sections in this partnership plan for waste reduction has an independent progress measurement and reporting scenario tied to the specific tasks involved. At the end of fiscal 2001-02, progress reports for each section will be produced independently. These reports, combined with 'other important measures such as the State of the Regional Solid Waste Management Plan Report and the Annual DEQ Recycling and Recovery Report will be combined and used to assess regional waste reduction and recycling progress.

Part 1: New Initiatives in Commercial. C&D and Organics

Overview:

The recent State of the Plan Report for the Regional Solid Waste Management Plan, which evaluated the region's progress toward its waste reduction goals, indicated a need for new initiatives in three solid waste program areas. The need for new initiatives is predicated on the following issues:

- The recovery rate for the region has stalled, at about 43 percent.
- The easily accessible material in the waste stream has been recovered. Progress in retrieving additional recoverable materials will be much more difficult and more costly.
- Waste generation, fueled by a strong regional economy, has grown over the past years. This
 means that in order to meet our waste reduction goals, even higher amounts of recyclable and
 compostable materials must be diverted from disposal than earlier anticipated.
- Recovery from the commercial, organics, and construction and demolition sectors is lagging behind the residential sector, where recovery is strong and steady.
- Declining tip fees further complicate the recovery of materials from lagging sectors.

In December of 1998, a group of Metro and local government solid waste managers convened to address the issue of the region's stalled recovery rate and the need for new efforts in certain targeted sectors. As a result, three work teams comprised of Metro, local government and DEQ staff were formed to develop new strategies and initiatives in the commercial, construction & demolition debris, and commercial organics sectors. The teams' objectives included:

- Development of a new approach to the waste reduction planning process that results in unified, measurable, accountable and targeted work plans.
- Increase regional recovery by concentrating on the lagging sectors of commercial, organics, and construction and demolition (while continuing to support existing strong recovery from the residential sector.)
- Identify areas within these lagging sectors on which to focus cooperative waste reduction activities.
- Identify emerging issues in waste reduction planning that may need special attention; e.g., cocollection.
- Integrate the results of new initiatives into the State of the Regional Solid Waste Management Plan Report, DEQ Waste Composition Study and other recycling and solid waste data and studies.
- Determine the resources required for these new initiatives and measurement/ reporting activities.
- Regular evaluation of the focus areas to ensure they remain relevant.

New Initiatives Program Plan, Administration and Timeline:

Each of the three work teams convened in June 1999 and independently developed three-year work plans for their respective focus areas. An overview of the work plans is presented below. The complete three-year plans are included with this plan as Appendix "B".

Attachment II Commercial:

In order to reach regional recovery goals, the region needs to have recovered an additional 168,000 tons of commercial recyclables between the baseline year of 1995 and the target year of 2000. To meet this goal, about half of the available recyclable paper (including OCC), containers and scrap metal remaining in commercial waste would need to be captured.

Of the 20 actions identified by the Task Force, seven received a ranking greater than three on a fivepoint scale. These seven actions comprise the plan recommendations that follow. (Actions are listed in order of decreasing priority.)

- 1. *Market development:* Increase market development efforts, both regionally through Metro and statewide through the Oregon Market Development Council. Develop markets for new materials and local markets for recycled feedstock that might offer higher scrap prices.
- 2. Assess disposal bans for selected materials: This proposal needs greater review by stakeholders, including haulers, private recycling collectors, processors, markets, disposal facilities, businesses and the public. In particular, issues such as enforcement, market price impact and flow control need to be reviewed.
- 3. Expand local governments' technical assistance to businesses on waste prevention, buy recycled and recycling: The current technical assistance program of waste evaluations needs to be assessed for its effectiveness in increasing recovery tonnage. Data collection for future technical assistance programs needs to be standardized by local governments to allow easier monitoring. Staffing needs to be increased to provide greater follow ups at each business and to expand the number of targeted businesses.
- 4. *Implement design review ordinances for recycling collection areas in new buildings:* Some local governments have adopted an ordinance, but do not have dedicated staffing to monitor submitted plans and compliance. Adoption of an ordinance and adequate staffing are needed to ensure that new construction in the region will have adequate recycling space to enable full participation in reaching the region's recycling goals.
- 5. Promote commingling: Mass media outreach programs were not generally seen as effective in reaching businesses as they are in reaching households. However, the development of commingled collection and processing capacity in the region was seen as an important shift in how recycling service was provided. Awareness of this new service level would be especially important to businesses facing space and resource limitations in implementing new or expanded recycling collection. In this case, a regional media outreach program was thought to be effective.
- 6. Target outreach to promote waste prevention: Specific outreach campaigns and technical assistance should target activities (such as double-sided copying) and packaging (reusable transport packaging) that increase waste prevention. Specific campaigns offer the greatest likelihood of implementing an evaluation system.
- 7. Review regional commingled processing capacity: Ensure the region has adequate commingled processing capacity for commercial recycling with equitable access by the region's collectors. Make certain these facilities are capable of meeting high standards for material quality.

Construction & Demolition Debris:

According to the revised RSWMP recovery rates, the region must recover 130,000 tons of C&D debris in order to meet its established goals. The Construction and Demolition Debris Recovery plan is composed of three tracks, designed to increase recycling and recovery in all sectors of the construction industry while adhering to the solid waste hierarchy of reduce, reuse, recycle, recover, landfill.

The first track emphasizes waste prevention through salvage and deconstruction. This practice has proven to be an effective way to prevent one of the largest sources of C&D waste, demolition waste, from entering the waste stream. As less undeveloped land is available, demolition will become an increasingly common activity in the future.

The second track focuses on ways to increase diversion through programs at material recovery facilities, dry waste landfills or transfer stations. The objective is to ensure that either source-separated recycling or effective post-collection recovery is available to all sectors of the C&D industry. An important component of these efforts will focus on educating the C&D industry about the different source-separated and post collection recovery service options available for construction and demolition activities. There are four components to Track 2:

- A. Promotion and education targeting C&D generators on source separated recycling methods and how to take advantage of post-collection recovery options.
- B. Recycling requirements: Require that certain C&D loads be processed before disposal. (An extended stakeholder process will be undertaken before proceeding with this recommendation.)
- C. Recycling Requirements: Ban the disposal of certain materials commonly found in C&D waste loads. (An extended stakeholder process will be undertaken before proceeding with this recommendation.)
- D. Create incentives through the Metro System Fee Credit Program for post collection recovery facilities to increase their recovery of recyclables from C&D loads.

The third track implements a market development program to target reuse and recycling of the materials prevalent in the C&D waste stream (wood, drywall, composition roofing and fiberglass insulation). The current markets for these materials are undeveloped, which represents a major barrier to reusing or recycling these materials.

Commercial Organics:

According to the revised RSWMP recovery rates, the region must recover 52,000 tons of organic waste in order to meet its established goals. This plan is designed to guide the region in the direction of increased recovery while adhering to the solid waste hierarchy of reduce, reuse, recycle, recover, compost, landfill.

This plan takes a two-track approach to organic waste management. The first track emphasizes waste prevention, donation and diversion. This is considered to be a least-cost approach, since preventing the generation of the material in the first place removes the need to manage it as a waste product. Donation is the highest end-use of food that is produced, and diversion to animal feed is the next step down in the hierarchy. Each of these approaches can be implemented in a relatively rapid fashion in that an existing infrastructure is present in the region, and outreach materials may be produced with short turnaround. While the food donation infrastructure does exist, some assistance

and support will be necessary to enhance capacity to accommodate new and increasing flow of material.

The second track focuses on developing a processing system to accommodate organic waste that cannot be diverted to higher-end uses. Every effort will be made to utilize existing infrastructure and tailor generator and collection programs to fit within existing operations and regulatory systems.

Several pilot projects will be initiated within the next 18 to 24 months to determine the economic feasibility of a regional organics collection and processing system. If the pilots prove successful, the Regional Organics Team will move rapidly towards the development of a permanent collection and processing infrastructure. If the pilots prove that organic waste collection and processing are not economically feasible in the current solid waste environment, only Track 1 programs will be fully implemented and the group will revisit the issue at a later date. The decision to develop permanent collection and processing facilities is contingent upon economic feasibility. If feasible, and the program determines that public participation is required to leverage processing capacity, then we may face a large, lump-sum budget request within the next two to three years.

During the first three years, the team has chosen to target efforts towards large organics-rich businesses and industries. These targeted businesses are:

- Large retail grocery stores
- Large restaurants
- Hotels
- Institutional cafeterias*
- Produce wholesale warehouses

(*Institutional cafeterias include food service operations in schools and universities, hospitals, large office buildings, corporate campuses, prisons, etc.)

Program Administration and Reporting:

Because these new initiatives require the work and the support of all regional partners, the day-to-day administration of the various tasks in the Commercial, C&D and Organics programs will be managed by the respective regional intergovernmental work teams that developed these plans. Individual team members will be assigned oversight of particular pieces of the plans, and will be responsible for reporting back to the team when they meet on an ad-hoc basis. Each work team will give a regular update at the monthly Local Government Recycling Coordinators Meeting and will solicit feedback from the group as well as inform the group of progress being made. Data collection, measurement and year-end progress reports will be the responsibility of the work teams. As part of the overall Year 12 Program Plan, each work team will be responsible for production of a year-end report on the progress made in the region.

2001-02 Budgeted Funds:

Commercial initiatives: \$550,000
Construction & Demolition Debris Initiatives: \$160,000
Commercial Organics Initiatives: \$808,000
Total: \$1,518,000

Part II: Targeted Competitive Grant Program

Overview:

The competitive grant program is designed to supplement the program funding available through the Partnership Program. These grants are intended to assist local jurisdictions in targeting the RSWMP practices that are not addressed in other program plans, and for which other sources of funding are not available. This program also seeks to support creative methods for addressing solid waste issues.

Format and Structure:

Each year, Metro will specify focus area(s) or target(s) for this competitive grant program based upon RSWMP needs and priorities. Applicants will have the choice to:

- 1) Submit a proposal in the focus area(s), OR
- 2) Propose a project outside the focus area(s) and demonstrate that there is a true need for this approach that is not being addressed through new initiatives, maintenance programs or other means. Alternative programs must also demonstrate that they contribute to meeting RSWMP goals.

Local jurisdictions interested in this program must submit an application for funds using a standardized form provided by Metro. Applications must include:

- A clear goal statement,
- A clear justification of need,
- A specific dollar amount requested,
- Concise and meaningful measurement tools and methods, and
- A description of intended results.

Applications must identify the specific practices of the RSWMP to which the funds will be applied, demonstrate clear benefits to the region, and should be transferable to other jurisdictions.

Local jurisdictions are required to provide at least a 50% match to funds requested. This match may be dollars, materials, in-kind services or a combination of these. Applicants are encouraged to cooperate or develop formal partnerships with nonprofit, volunteer agencies, business associations, chambers of commerce or other groups. In-kind matches may be provided in part by some or all partners.

Reporting:

A 90-day progress report as well as a final report due 30 days from the completion of the project must be submitted to Metro. Reports must demonstrate how the project has met the stated criteria and the impacts the project has had to the prevention, recycling and recovery of waste in the region.

2001-02 Budgeted Funds:

\$185,000

Part III: Maintenance of Existing Programs

Overview:

Part III of the Partnership for Waste Reduction focuses on the maintenance of existing and established local and regional waste reduction and recycling programs. Significant progress in waste reduction and recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced.

Maintenance Program Plan Format, Structure and Timeline:

The Maintenance Program format is intentionally simple and straightforward. Local governments and Metro will each complete the attached chart, detailing the outreach, education and collection programs currently implemented and the efforts each will engage in to maintain these programs. This will provide a comprehensive regional picture of the existing programs implemented and maintained by local governments and Metro.

The reporting section is to be completed at the end of the fiscal year and submitted to Metro no later than August 1, 2001. This section will detail each task's actual implementation date, as well as relevant status reports, changes and noted results. The reporting section will serve as the basis for integrating existing program status and progress into the recommended practices of the RSWMP, as well as the required annual reporting to the Department of Environmental Quality.

Compliance with State Law and the Regional Solid Waste Management Plan:

All regional partners will continue to be required to comply with the provisions set forth in State Law (OAR 340-90-040) in addition to the tasks listed in the RSWMP. Metro will be the reporting agency for the region's three county area. Metro will also assume responsibility for integrating maintenance programs into the recommended practices set forth in the RSWMP. This integration will be illustrated in the Annual State of the Plan Report section titled Implementation Status of Recommended Practices.

Annual Allocation:

The funding assistance provided to local jurisdictions for the maintenance^of existing programs is allocated on a per-capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The FY 2001-02 allocation for the City/County of Washington equals \$166,274. This represents 14% of the overall City/County solid waste and recycling budget.

Program Overview Narrative:

This section of the Plan provides a more descriptive and encompassing overview of maintenance programs. Local governments and Metro will each provide a short annual narrative describing the range of programs and the principles behind them.

2001-02 Budgeted Funds:

\$618,000

PLANNED MAINTENANCE ACTIVITIES FOR FISCAL YEAR 2001-02

The Program Plan Table is divided into two sections: Planning and Reporting. The planning section lists program areas under the header marked "Tasks" which are to be completed in detail by Metro and local governments. All outreach, education, collection and other existing program efforts are to be listed under each task area with an associated implementation date noted under the heading "Planned Date." The section header "R/WP/B" identifies whether this particular program or activity is primarily recycling (R), waste prevention (WP) or both (B). This notation is to assist Metro in the collection of data for reporting to the Department of Environmental Quality on the region's waste prevention activities. The completed planning section of the table is due to Metro no later than June 1,2001.

PLANNING			REPORTING	
Tasks	Planned	R/WP/B	Implemented	Implementation
	Date		Date	Status/Results
Residential	•	•	1	-
Bulky Waste Day	Spring 2002	R		
Computer Collection	Fall 2001	В		
Event				
WasteLine	Winter 2001	В		
Publication (bi-annual)				
Literature	Ongoing	В		
Display Development				
and Distribution	Ongoing	В		
Program				
Web Page	Ongoing	В		
Multifamily				
Intent to develop		В		
new literature	Fall 2001			
Web Page (bi-lingual)	Ongoing	В		
Home Composting				
Support Metro Event	Spring 2002	R		
Web Page	Ongoing	В		
Pilot Project Follow-		ļ_		ļ
Up	Summer	В		
	2001			
Commercial				
" Waste Evaluations	Ongoing	В		
BRAG Program	Ongoing	В		
Display Development and	Ongoing	В		
Distribution				
Program				
Support WRAIN	Ongoing	В		
Literature Development	Fall 2001	В		
· ·	1			
Web Page	Ongoing	В		
BusinessLine Publication (bi-annual)	Winter 2001,	В		
ubilication (braintual)	Spring 2002			
Construction & Demolition		•	•	
• • The County is	Ongoing	R		
working with county				
registered facilities				
to begin dry waste				
Metro and Local Government Par	tnershin Plan for V	Vaste Reduct	ion FV 2001-02	

processing.				
Household Hazardous Waste				
Support Metro	Ongoing	В		
Events				
Web page	Ongoing	В		
Regional Planning Support				<u> </u>
Participation in	Ongoing	В		
regional				
coordination groups:				
BRAG, Metro SWAC,				
Compost Bin				
Distribution event,				
Mobile Household				
Hazardous Waste				
events, P20 group,				
WRAIN, Organics				
Regional Task Force				
Workgroup, C&D				
Regional Task Force,				
Commercial				
Regional Task Force		•		
School Outreach and Education				
0 01 1	To :	T _D		
Green Schools Gideling Bulblingting	Ongoing	В		
Kidsline Publication	Spring 2002	В		
Newletters Web page	Fall 2001	B B		
Web page	Ongoing			
Waste Evaluations	Ongoing	WP		
Other				1
SHARPS outreach	Ongoing	В		
• SHARPS Article in WasteLine	Ongoing	В		
	ı	1	I	

Appendix A

Fiscal Year 2000-2001 Metro and Local Government Partnership Plan for Waste Reduction

PLAN DEVELOPMENT SCHEDULE

Timeline	Annual Work Plan Process
September 30, 1999	Metro and local government targeted sector work teams (Organics, C&D, Commercial) complete draft plans and associated budgets.
October 30, 1999	Targeted sector plans and existing program maintenance plans combined and refined to create overall 2-3 year approach outline. Fiscal Year 2000-01 presented in a more detailed fashion.
December 30, 1999	Draft overall framework developed by Metro and local government staff. Version 1 ready for public involvement process.
January - March 2000	Regional public involvement: Public Comment and Metro SWAC review of drafts REMCOM Work session on drafts REMCOM public hearing on final version
March - April 2000	Council approval process: Metro Council consideration and adoption.
April - May 2000	Local and Regional Public Involvement: Local SWAC and other public involvement Metro budget hearings Local government budget hearings
June 1,2000	Local Government Participation Commitment Agreements Drafted
PLAN IMPLEMENTATION	
July1	Start of Fiscal Year - Implementation begins
Nov. 30	Intergovernmental agreements for grant funding approved and funds distributed to local governments to support the maintenance of existing programs.
PROGRESS REPORTING	T
Aug. 1	Local government and Metro assess progress.
Nov. 30	Metro publishes annual "State of the Regional Solid Waste Management Plan" status report for the previous fiscal year period

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Appendix A Fiscal Year 2000-2001 Metro and Local Government Partnership Plan for Waste Reduction

PLAN DEVELOPMENT SCHEDULE

Timeline	Annual Work Plan Process
September 30, 2000	Metro and local government targeted sector work teams (Organics, C&D, Commercial) review and amend plans and associated budgets.
October 30, 2000	Targeted sector plans and existing program maintenance plans combined and refined to create overall 2-3 year approach outline. Fiscal Year 2001-02 presented in a more detailed fashion.
December 30, 2000	Draft overall framework developed by Metro and local government staff. Version 1 ready for public involvement process.
January - March 2001	Regional public involvement: Public Comment and Metro SWAC review of drafts REMCOM Work session on drafts REMCOM public hearing on final version
March-April 2001	Council approval process: Metro Council consideration and adoption.
April - May 2001	Local and Regional Public Involvement: Local SWAC and other public involvement Metro budget hearings Local government budget hearings
June 1, 2001	Local Government Participation Commitment Agreements Drafted
PLAN IMPLEMENTATION	
July1	Start of Fiscal Year - Implementation begins
No later than Nov. 30	Intergovernmental agreements for grant funding approved and funds distributed to local governments to support the maintenance of existing programs.
PROGRESS REPORTING	
Aug. 1	Local government and Metro assess progress.
Nov. 30	Metro publishes annual "State of the Regional Solid Waste Management Plan" status report for the previous fiscal year period

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Appendix B

New Initiatives in Waste Reduction 3-Year Plans

Commercial Organic Waste Recovery
Construction & Demolition Debris Recovery
Commercial Waste Reduction and Recycling

Commercial Organics Work Plan 1999-2002 Updated September 2000

Overview: According to the revised Regional Solid Waste Management Plan recovery rates, the region must recover 52,000 tons of organic waste in order to meet its established goals. This plan, cooperatively developed by the Regional Organics Work Team comprised of Metro, DEQ and local government staff, is designed to guide the region in the direction of increased recovery while adhering to the solid waste hierarchy of reduce, reuse, recycle, recover, compost, landfill.

This plan takes a two-track approach to organic waste management. The first track emphasizes waste prevention, donation and diversion. This is considered to be a least-cost approach as preventing the generation of the material in the first place removes the need to manage it as a waste product; donation is the highest end-use of food that is produced, and diversion to animal feed is the next step down in the hierarchy. Each of these approaches can be implemented in a relatively rapid fashion in that an existing infrastructure is present in the region, and outreach materials may be produced with short turnaround. While the food donation infrastructure does exist, some assistance and support will be necessary to enhance capacity to accommodate a new and increased flow of material.

The second track focuses on developing a processing system to accommodate organic waste that cannot be diverted to higher-end uses. Every effort will be made to utilize existing infrastructure and tailor generator and collection programs to fit within existing operations and regulatory systems. Several pilot projects will be initiated within the next 18 to 24 months to determine the economic feasibility of a regional organics collection and processing system. If the pilots prove successful, the Regional Organics Team will move rapidly towards the development of a permanent collection and processing infrastructure. If the pilots prove that organic waste collection and processing are not economically feasible in the current solid waste environment, only Track 1 programs will be fully implemented, and the group will revisit the issue at a later date. The decision to develop permanent collection and processing facilities is contingent upon economic feasibility. If feasible, and the program determines that public participation is required to leverage processing capacity, then we may face a large, lump-sum budget request within the next two to three years

A series of outreach efforts with a global message to the general public about the regional organic waste efforts will be planned for roll-out once programs are implemented. It is unknown what the specific concept or costs of such efforts will be at this time as they are dependent on the extent of the programs implemented. Additional funds to cover this effort will be proposed in future budget requests.

The following draft plan provides the details and the accompanying resources needed for the immediate implementation of a regional organic waste management plan. During the first three years, the team has chosen to target efforts towards large organics-rich businesses and industries. These targeted businesses are:

- Large retail grocery stores
- Large restaurants
- Hotels
- Institutional cafeterias*
- Produce wholesale warehouses

(institutional cafeterias include food service operations in schools and universities, hospitals, large office buildings, corporate campuses, prisons, etc.)

While this plan focuses on the commercial sector, the team may address the possibility of a residential plan in the future. At this time, however, the team feels that the commercial sector has the majority of clean, accessible and recoverable food wastes.

TRACK 1: WASTE PREVENTION, DONATION AND DIVERSION

Develop focused outreach and education programs for targeted food-intensive businesses to increase waste prevention, donation and diversion practices.

A. Waste Prevention	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Research and development: Research nature of each targeted business category to determine most suitable entry point for effective waste prevention messages. Determine number and location of each targeted business within the region. Research current methods used for information dissemination within each industry (professional or industry organizations, etc.) Research existing outreach and educational materials developed for use in targeted industries. 	0.16 Interns	\$5,000	0	0
 Develop partnerships with industry associations to create suitable and effective outreach messages, appropriate outreach methods, and to lend credence to the program (seek out sponsorships or endorsements.) 	Organics Team	0	0	0
 Develop focused outreach and education on waste prevention coupled with on-site assistance: Utilize research results and existing materials currently in use in the region to tailor specific materials for production. 	Organics Team	0	0	0
 Develop effective outreach tools and methods based on results of research. (design and printing) 	Contract	\$25,000	0	\$2,000
Develop distribution plan for materials developed. ,	Organics Team	0	0	0
 Hire temporary staff to distribute materials, provide on-site assistance, coordinate contacts with business groups, provide presentations, provide feedback to Regional Organics Team for future program changes. (total 8,000 hours = 16-20 hours per targeted business) 	2.0*	0	\$73,710	\$70,000
SUB-TOTAL (Section A)	2.16	\$30,000	\$73,710	\$72,000

^{*}These FTE will also perform Track 2 outreach functions within the targeted business community.

B. Donation	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Coordinate with charitable organizations to enhance donation infrastructure and build capacity: Develop grant program to provide funding to qualifying charitable organizations to increase their capability to collect, receive, store and distribute perishable foods. 	Organics Team	0	\$200,000 matching grant fund	\$200,000 matching grant fund
 Create an interagency work team that meets on a quarterly basis to assess outreach and coordinate messages between Metro, local governments and charitable agencies to ensure consistent and effective direction. Work with DEQ to provide statewide outreach and assistance programs that will supplement activities within the Metro region to increase capacity. 	Organics Team	0	0	0
 Design, print and distribute educational and outreach materials for targeted businesses in coordination with charitable agencies. Research targeted businesses' level of knowledge and comfort regarding food donation to identify barriers and opportunities. 	0.09 intern	\$2,500	0	0
 Work with agencies to refine message regarding Good Samaritan Laws, liability issues, "myths and realities" of food donation in all outreach materials developed (in tandem with waste prevention outreach and educational materials). Work with DEQ and other associations (such as AOR) to develop alternative vehicles for information dissemination regarding food donation and liability throughout the state to enhance knowledge. 	Organics Work Team	0	0	0
Design and print educational materials.	Metro	\$1,000		\$2,000
SUB-TOTAL (Section B)	.09	\$3,500	\$200,000	\$202,000

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C. Diversion	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Conduct market study to determine existing and potential options for increased diversion of acceptable, non-edible foods to animal feed uses: Research current animal feed options, facilities accepting food wastes, tonnage currently diverted, barriers to increased diversion, feedstock requirements, strength and viability of current animal feed market, etc. Research existing professional and industry associations, government agencies and others involved in regulating animal feed operations and disseminating information to those involved in the industry. Research current levels of land application of food wastes along with applicable laws and regulations. 	Contractor	\$20,000	0	0
Implement animal feed diversion program if research proves increased market capacity exists and can be utilized.	Organics Team	0	0	\$100,000
SUB-TOTAL (Section C.)	0	\$20,000	0	\$100,000
TOTAL (Track 1)	2.50	\$53,500	\$273,710	\$374,000

	evelop a wide range of processing options using existing infrastructure to the greatest extent. Generator Programs	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
1.	Target larger organics generators in concentrated areas and conduct research on willingness to participate in an organics collection program. Focus on franchised areas that will not have mandatory separation programs. Identify physical and financial barriers.	Organics Work Team	0	0	0
2.	Research proportions of pre- and post-consumer food waste generated by each business type to best tailor separation and collection programs.	Contractor	\$60,000	0	0
3.	Develop specific educational materials focused on generator types, geographic area, hauler equipment, and end-use of materials collected. (design and print)	Contractor	0	\$10,000	\$4,000
SI	UB-TOTAL (Section A.)	0	\$60,000	\$10,000	\$4,000

B. Development of Collection Infrastructure	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Utilize information gathered by City of Portland organics collection and processing pilot project to determine feasibility of implementing Portland's organic waste recycling requirement ordinance. 	Organics Work , Team	\$10,000	0	0
Work with area haulers and businesses to determine feasible organics collection routes throughout the region. Research hauler willingness/potential to develop collection cooperatives.	Organics Work Team	0	0	0
 Work with haulers to determine equipment needs, collection schedules and assistance required to implement routes. 	Organics Work Team	0	0	0
 Determine true costs of collection to facilitate future planning decisions. Conduct pilot projects throughout the region to assess costs. 	Organics Work Team	\$50,000	\$40,000	0
SUB-TOTAL (Section B.)	0	\$60,000	\$40,000	0

C. Utilization and Enhancement of Existing Infrastructure for Delivery and Processing of Organic Wastes	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Develop tip fee at Metro Central Station for the acceptance of organic waste for processing (currently in process). 	Organics Work Team	0	0	0
 2. Build local infrastructure by working closely with facilities throughout the region to research potential and assist with the implementation of organics reload and processing. Work with facility operators, local officials, etc. to research and determine feasibility and likelihood of varied degrees of delivery and reload of organics on a case-by-case basis. Assist with the development of pilot projects to test feasibility of reloading for off-site processing or for acceptance of organic waste for potential of on-site processing. Continue to utilize the two currently-available existing processing options (Arlington and LRI) while working to develop local processing capacity. Examine development of local options such as on-site processing at transfer stations and MRFs as well as local yard debris processors. Consider the use of a short-term Metro subsidy to support organics collection and processing until more economically viable local options are developed. 	Organics Work Team	\$50,000	\$600,000 (pilot projects, infrastructure, grants, loans, etc.)	\$500,000 (pilot projects, infrastructure, grants, loans, etc.)

Work closely with Metro transfer station operator (BFI/Allied) to develop organics delivery options. Develop protocols for acceptance reload and transport of organics to appropriate processing facilities.	Organics Work Team	0	0	0
Investigate financial assistance opportunities such as state tax credits for recycling businesses.	- DEQ	0	0	0
SUB-TOTAL (Section C.)	0	0	\$600,000	\$500,000
D. Organics Market Development	FTE	1999-00 Budget	2000-01 Budget	2001-02 draft Budget
 Re-establish 1 FTE in Waste Reduction to implement a permanent and meaningful market development program focusing on organics, commercial, and C&D. 		0	0	0
SUB-TOTAL (Section D.)	0	\$0	\$0	\$0
TOTAL TRACK 1	2.50	\$53,500	\$273,710	\$374,000
TOTAL TRACK 2	0.25	\$170,000	\$650,000	\$504,000
SUB-TOTAL (Tracks 1 and 2)	2.75	\$223,500	\$923,710	\$878,000
Less Currently Budgeted Funds		(\$240,000	\$0	\$0
GRAND TOTAL New Funds Needed	2.75	\$0	\$923,710	\$878,000

For future consideration:

- Identify potential generators who may benefit from on-site processing options.
 Consider public/private purchase and development of processing facilities if existing infrastructure proves unsuitable.

ORGANICS PLAN TIMELINE AND BUDGET

FY 1999-2000 Program Initiatives

Tasks that span fiscal years have had their budgets adjusted accordingly to indicate each year's particular resource needs.

TRACK 1

Waste Prevention:

1. Research and development.

BUDGET: \$5,000

2. Develop focused outreach and education on waste prevention coupled with on-site assistance.

BUDGET: \$25,000

Donation:

 Coordinate with charitable organizations to enhance donation infrastructure and build capacity for recovered food. _ Create inter-agency work team to assess outreach needs and coordinate messages.

BUDGET: \$0

2. Design, print and distribute educational and outreach materials for targeted business groups in coordination with charitable agencies.

BUDGET: \$3,500

Diversion:

1. Conduct market study to determine the existing and potential options for increased diversion of acceptable, non-edible food wastes to animal feed uses.

BUDGET: \$20,000

TOTAL TRACK 1: \$53,500

TRACK 2:

Generator Programs:

1. Target larger organics generators in concentrated areas and conduct research on willingness to articipate in an organics collection program.

BUDGET: \$0

2. Research the proportions of pre- and post-consumer food waste generated by each business type to best tailor separation and collection programs.

BUDGET: \$60,000

Development of Collection Infrastructure:

1. Utilize information gathered by City of Portland organics collection and processing pilot project to determine feasibility of implementing Portland's organic waste recycling requirement ordinance.

BUDGET: \$10,000

2. Work with area haulers and businesses to determine feasible organic organics collection routes throughout the region.

BUDGET: \$0

3. Work with haulers to determine equipment needs, collection schedules and assistance required to implement routes.

BUDGET: \$0

4. Determine true costs of collection to facilitate future planning decisions, (begin pilot projects throughout region)

BUDGET: \$50,000

Utilization and enhancement of existing infrastructure for delivery and processing of organic wastes:

- 1. Develop tip fee at Metro Central Station for the acceptance of organic waste for processing. BUDGET: \$0
- 2. Build local infrastructure by working closely with facilities throughout the region to research potential and assist with the implementation of organics reload and processing. BUDGET: \$0
- 3. Work closely with Metro transfer station operator to develop organics delivery options. BUDGET: \$0
- 4. Investigate financial assistance opportunities such as state tax credits for recycling businesses. BUDGET: \$0

TOTAL TRACK 2: \$170,000

FY 1999-2000 TOTAL: \$223,500 Current FY 1999-2000

budgeted funds: \$240,000

FY 2000-2001 Program Initiatives

Tasks that span fiscal years have had their budgets adjusted accordingly to indicate each year's particular resource needs.

TRACK 1 Waste

Prevention:

1. Develop focused outreach and education on waste prevention coupled with on-site assistance. Hire 2.0 FTE temporary staff for 2 year positions to distribute materials, provide on-site assistance, coordinate contacts with business groups, provide presentations, provide feedback to Regional Organics Team for future program changes.

BUDGET: \$73,710 (year 1)

Donation:

1. Coordinate with charitable organizations to enhance donation infrastructure and build capacity for recovered food. Develop a 2-year matching grant program to provide funding to qualifying charitable organizations to increase their capacity to collect, receive, store and distribute perishable foods.

BUDGET: \$200,000 (year 1)

TOTAL TRACK 1: \$273,710

TRACK 2:

Generator Programs:

1. Develop specific educational materials focused on generator types, geographic area, hauler equipment, and end-use of materials collected.

BUDGET: \$10,000

Development of Collection Infrastructure:

1. Determine true costs of collection to facilitate future planning decisions, (begin pilot projects throughout region)

BUDGET: \$40,000

Utilization and enhancement of existing infrastructure for delivery and processing of organic wastes:

1. Build local infrastructure by working closely with facilities throughout the region to research potential and assist with the implementation of organics reload and processing.

BUDGET: \$600,000

Local Organics Market Development:

 Re-establish 1 FTE in Waste Reduction to implement a permanent and meaningful market development program focusing on organics, commercial and C&D. (organics work represents one-quarter of the FTE)

BUDGET: \$0 (1 FTE to fill vacant position—budgeted separately)

TOTAL TRACK 2: \$650,000

FY 2000-01 TOTAL: \$923,710

DRAFT FY 2001-02 Program Initiatives

The following Organics Program initiatives are scheduled to commence within fiscal year 2001-02. Those tasks that span fiscal years have had their budgets adjusted accordingly to indicate each year's resource needs.

TRACK 1 Waste

Prevention:

1. Develop focused outreach and education on waste prevention coupled with on-site assistance. Begin second and final year of employment of 2.0 FTE temporary staff to distribute materials, provide on-site assistance, coordinate contacts with business groups, provide presentations, provide feedback to Regional Organics Team for future program changes. BUDGET: \$70,000 (year 2)

Donation:

Coordinate with charitable organizations to enhance donation infrastructure and build capacity for recovered food.
 Implement the final year of the matching grant program to provide funding to qualifying charitable organizations to increase their capacity to collect, receive, store and distribute perishable foods.
 BUDGET: \$200,000 (year 2)

Diversion:

 Implement animal feed diversion program if research proves increased market capacity exists and can be utilized.

BUDGET: \$100,000

Outreach:

1. Update and reprint focused education and outreach materials.

BUDGET: \$4,000

TOTAL TRACK 1: \$374,000

TRACK 2:

Generator Programs:

1. Update and reprint focused education and outreach materials.

BUDGET: \$4,000

Utilization and enhancement of existing infrastructure for delivery and processing of organic wastes:

2. Build local infrastructure by working closely with facilities throughout the region to research potential and assist with the implementation of organics reload and processing.

BUDGET: \$500,000 (year 2)

Local Organics Market Development:

 Continue support of 1 FTE in Waste Reduction to implement a permanent and meaningful market development program focusing on organics, commercial and C&D. (organics work represents one-quarter of the FTE)

BUDGET: \$0

TOTAL TRACK 2: \$504,000

FY 2001-02 TOTAL: \$878,000

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<u>Draft Recommendations Construction and</u> Demolition Task Force

11/03/99 Updated 10/04/00

Task Force Members:

JoAnn Herrigel,
Rick Winterhalter,
Dick Schmidt,
Christa Morrow,
Scott Keller,
Wendy Fisher,
City of Milwaukie
Clackamas County
City of Portland
City of Troutdale
City of Beaverton
Washington County

Bryce Jacobson, Metro

Overview

According to the revised Regional Solid Waste Management Plan recovery rates, the region must recover 130,000 tons of Construction and Demolition debris in order to meet its established goals. This draft plan, cooperatively developed by the C&D Task force comprised of Metro and local government staff, is designed to address shortcomings of the current RSWMP recommended practices for the C&D sector and guide the region in the direction of increased recycling and recovery while adhering to the solid waste hierarchy of reduce, reuse, recycle, recover, compost, landfill.

Statement of the Problem:

Both the 1997 State of the Plan Report and the 1998 C&D generator study show that recycling and recovery of waste materials from the region's construction and demolition sites has not kept up with the amount of growth in the construction sector. The C&D sector is responsible for generating approximately a quarter of the region's waste. While up to 60% of this waste material could be recycled or reused, the fragmented structure of the industry and complicated nature of most job-sites has made it a challenge to divert materials into recovery programs.

Background

The RSWMP recommended practices for the C&D sector, as implemented; have not created the tonnage diversion that was originally expected. Among the recommended practices for the building industries, there are several that the task force identified as ineffective:

Recommended practice 2. a, Local governments will assure the availability of on-site services for two or more materials and ensure that generators requesting hauling services for construction and demolition sites are offered these services. Haulers franchise agreements require them to comply with this recommended practice by offering recycling services but several factors have made it difficult for haulers to put forth an attractive recycling offer to their C&D customers. These include the difference in cost of service between disposal and recycling is usually very small and customers that choose to order just one box for all job-site waste will usually pay less for this service than if they had ordered two ore more boxes to facilitate source separated recycling

Task force members believe that this recommended practice has had little effect on increasing tonnage recycled from C&D sites.

Recommended practice 1 .b, *Metro and Local governments to perform on-site audits at construction and demolition sites to promote waste prevention.* Despite numerous attempts to interest builders in this service, only a hand full of these have been performed since 1995. The concept may have value if it was used as a component of another C&D program, but as a stand alone item builders have not shown much interest.

Recommended Practice 1.a, "Earth-Wise" building program to train builders about salvage, waste reduction, recycling, and buying recycled along with other environmental building practices. Metro staff have found that organizations with a green building agenda are not willing to make waste issues a key concept in their promotions and education to the building industry.

Recommended Practice 4. Develop regional dry waste processing facilities for waste from sites where separation and collection of recyclables is not possible. The current system of post collection recovery options does not appear to draw in as much C&D waste as we had hoped for. The task force found that much of Washington and Clackamas Counties are underserved in terms of processing capacity, recovery facilities have trouble competing with the rates at local dry waste land fills and actual recovery rates have been lower than expected (down to 4% at one facility).

The 1998 C&D Generator Study found that the regions contractors as a group are not well informed about waste recycling issues and put little energy into making decisions about job-site waste. However, the study also found that they are open to assistance on recycling and waste issues if it comes in a format that they can use.

Work Group Objectives

In July 1999 the C&D Task Force had its first meeting to discuss the objectives that would guide the process of making our recommendations. The group agreed to the following objectives:

- Assess what is going on with C&D waste and recycling in the Metro region and around the country
- Identify areas where improvement is needed
- Develop and implement specific programs to address the problem areas
- Create incentives to keep unprocessed mixed loads of C&D material in the Metro region

Draft Plan Recommendations:

This plan takes a three-track approach to increasing recycling and recovery in the C&D sector.

1. The first track emphasizes waste prevention through salvage and deconstruction. This practice has proven to be an effective way to prevent one of the largest sources of C&D waste, demolition waste, from entering the waste stream:

- 2. The second track focuses on ways to impact diversion through programs at material recovery facilities, dry waste landfills or transfer stations. The proposed incentives will ensure that either source separated recycling or effective post collection recovery is available to all sectors of the C&D industry. An important component of these efforts will be the education and promotion of the different source separated and post collection recovery service options available to C&D sites.
- 3. The third track implements a market development program that targets reuse and recycling of the materials prevalent in the C&D waste stream: wood (22%), drywall (17%), composition roofing (11%) and fiberglass insulation (1%). Current markets for these materials are either underdeveloped or nonexistent representing a major barrier to salvaging or recycling these materials.

All of the following recommendations come with several caveats:

- They depend on initial research into the feasibility
- They each require different stakeholder involvement strategies.
- They are designed to either compliment each other or existing activities
- The budgets, tonnage impacts and schedules are speculative and should be seen as a starting point

Implementation of the Plan:

Once the draft plan is approved by stakeholders and requested budget funding made available, the task force is prepared to begin implementing the plans' three tracks. Although not specifically called out in this document, the task force will need to amend the current RSWMP section on C&D waste to reflect the changes in the regions approach to managing C&D waste.

Develop focussed outreach and education programs on salvage and deconstruction practices for the re		4000 00		2001-02
A. Waste Prevention outreach and education	Staffing	1999-00 M+S Budget	2000-01 M+S Budget	M+S Budget
Research and development:	_			
 Perform research on the messages, opportunities, possible partnerships, identify what the salvage community sees as needed and the best ways to promote/ educate on salvage. Evaluate commercial or residential focus. Evaluate need for a secondary focus on source-separated recycling Utilize LGRC, REM Marketing Team and salvage community to evaluate data from research and identify best opportunities. Create an implementation plan for education and promotion activities including timeline for project and identify methods of measuring effect. LGRC and Metro to approve. 	Contractor with oversight by C&D task force	0	\$25,000	0
2. Develop and Implement Program				
 Create an implementation plan for education and promotion activities including timeline for project and identify methods of measuring effect. LGRC and Metro to approve. Contractor to work with Local Governments to custom tailor the messages and tools of the campaign to the specifics of each jurisdiction. Begin implementing program mid-2000-01. 	Contractor with oversight by C&D task force	0	\$50,000	0
3. Evaluate and measure effect				
 Continue evaluating/measuring effect to determine benefit of continuing program. Continue to use contractor to follow implementation plan, trouble shoot and fine-tune. 	Contractor with oversight by C&D task force	0	0	\$65,000
SUB-TOTAL (TRACK 1-SECTION A)	0	\$0	\$75,000	\$65,000
B. Waste Prevention Grants				
 Oregon Remodelers Association (ORA), Annual Builders Yard Sale Funding assists the ORA in promoting and managing the annual Builders Yard Sale. Through the sale of used building materials donated by ORA member contractors and suppliers, this event promotes the value and availability of used building materials to the public. * Note that this item has been part of the Metro C&D budget since FY 95-96 	Metro	\$5,000	\$5,000	\$5,000

SUB-TOTAL (TRACK 1-SECTION B)		\$5,000	\$5,000	\$5,000
TOTAL (TRACK 1)	0	\$5,000	\$80,000	\$70,000

TRACK 2: C&D WASTE PROCESSING/DISPOSAL (B.Jacobson .5 FTE) Develop a system to ensure that source-separated recycling or effective post collection recovery is available or provided to all sectors of the C&D industry.	Staffing	1999-00 M+S Budget	2000-01 M+S Budget	2001-02 M+S Budget
A. Require that specified C&D loads be processed before disposal				
 Research and development Compile information on C&D loads and C&D waste hauling to determine appropriate lower and upper threshold and load types effected, where the burden of responsibility should be placed, how processing will be defined, what enforcement efforts will be required. Identify legal issues involved with flow control, interstate commerce code violations and out of state waste. Identify potential effect in tons; identify methods for addressing the limited processing capacity in sections of the Metro region. This data gathering effort will be coordinated with local governments and other organizations as appropriate. With direction from C&D task force, draft a project timeline 	Contractor with oversight by C&D Task Force	0	\$25,000	0
 Stakeholder involvement With direction from the C&D task Force, draft a stakeholder involvement plan. In FY 00-01, implement this plan to find out if this concept can move forward. 	C&D Task Force	0	0	0
 Implementation Pending stakeholder approval, begin limited pilots to evaluate the most effective methods of rolling this program out to all facilities 	Contractor with oversight by C&D Task Force	0	0	0
SUB-TOTAL (TRACK 2-SECTION A)	0 FTE	0	\$25,000	0

В.	Ban the disposal of certain material(s) commonly found in C&D loads				
1.	 Initial Research and Development Identify, evaluate and report on disposal bans in other states. Compile this information and present report to local governments and Metro staff. 	Contractor with oversight by C&D Task Force	0	\$10,000	0
2.	 Stakeholder involvement Metro staff will coordinate a disposal ban work group made up of key stakeholders and local government staff. Participants include ORRA, Tri-County haulers, AOR, ORMDC, Metro SWAC, facility operators and builder groups. If this group finds that this should be a statewide effort, pull in AOR to assist with the legislative concept. If a regional effort is preferred, develop an RFP for a consultant to look at options for a regional disposal ban. If this work group finds that a ban should be brought forward for further consideration by SWAC and Metro Council, The group will draft a project timeline. 	Contractor with oversight by C&D Task Force	0	\$10,000	0
3.	 Further Research and Development Local information on C&D loads and C&D waste hauling to determine appropriate lower and upper threshold and load types effected, where the burden of responsibility should be placed, how bans could be enforced. Identify potential effects on material markets. Identify potential effect in tons. Identify potential methods of measuring the effect of the ban. Identify methods for addressing the limited processing capacity in sections of the Metro region. Identify if this should be a regional or statewide effort. This data gathering effort will be coordinated with local governments and other organizations as appropriate. 	Contractor with oversight by C&D Task Force	0	\$25,000	0
4.	 Implementation Pending stakeholder approval, C&D Task Force will begin pilots. Create measurement methods, education materials and conduct facility staff trainings. Begin limited pilots to evaluate the most effective methods of rolling this program out to all facilities. Full implementation expected in FY 02-03 or 03-04. 	2 enforcement /education FTE at PA 1 level	0	0	0
	SUB-TOTAL (TRACK 2-SECTION B)	2 FTE	0	\$45,000	0

C.	Educate generators on source-separated recycling and/or other methods to remain in compliance with disposal bans or processing requirements.	Staffing	FY 99- 00 M+S Budget	FY 00-01 M+S Budget	FY 01-02 M+S Budget
1.	 Initial Research and Development Create messages that support source-separated recycling and promote service options that will facilitate a high degree of recycling from targeted C&D sites. Secure partners such as industry associations and retailers. Evaluate commercial or residential focus. Test messages with building industry. Identify methods of measuring effect. Create an implementation plan for education and promotion activities, create timeline for project. Compile this information and present report to local governments and Metro staff. 	Contractor with oversight by C&D Task Force	0	\$28,000	0
2.	 Develop and Implement Program Begin implementing program mid-2000-01. Contractor to work with Local Governments to custom tailor the messages and tools of the campaign to the specifics of each jurisdiction. As disposal bans or processing requirements come on-line, modify messages to support these programs 	Contractor with oversight by C&D Task Force	0	\$50,000	\$50,000
3.	 Update, print and distribute Metro Construction Site Recycling Guide Distribution will follow the education and outreach strategy developed in Track 1.A. and Track 2.C. * Note that this item has been part of the Metro C&D budget since FY 92-93 	Metro staff with oversight by C&D Task Force	\$25,000	\$25,000	\$40,000
SII	BTOTAL (TRACK 2-SECTION C)	0	0	\$103,000	\$90,000
D.	Create incentives through the Metro System Fee Credit Program for post collection covery facilities to increase their recovery of recyclables from C&D loads	Staffing	1999-00 M+S Budget	2000-01 M+S Budget	2001-02 M+S Budget
3.	 Research and Development Budget and Regulatory Affairs regulatory staff to identify and report on System Fee Credit Program modifications that may offer a stronger incentive for MRF operators to recover C&D materials. Consider implementing a preference or weighting for reuse and recycling over energy reclamation. Involve the C&D Task Force, MRF operators and SWAC in this research effort 	REM Regulatory Affairs staff	0	0	0

2. Implementation	REM	0	0	0
Create a timeline and begin implementing changes and monitoring effect on tonnage	Regulatory Affairs staff			
SUB-TOTAL (TRACK 2-SECTION D))	0	0	0	0
TOTAL (TRACK 2)	2 FTE	\$25,000	\$173,000	\$90,000
TRACK 3: MARKET DEVELOPMENT (B Jacobso	n 0 FTE)		<u> </u>	· · · · · · · · · · · · · · · · · · ·
Develop a system of grants and loans to encourage the development of markets for both salv	aging and recy	cling of C8	D materials	•
A. Metro to create a REM market development position to support the increased C&D recycling and recovery efforts	Staffing	1999-00 M+S Budget	2000-01 M+S Budget	2001-02 M+S Budget
4. Research and development		Duaget	Dauger	Dauget
 Research other similar grant and loan funds, and market development efforts. Involve local governments and C&D Task Force as steering committee Research the program structure needed to develop reuse and recycling markets first and energy recovery markets second. Metro to appropriate funds, set priorities on materials and or sectors to be targeted and publicize fund Create implementation plan that includes consulting with finance professionals on the criteria for funding and identifying possible ways to piggyback on other private or public programs. Start program and receive first applications. Continue to evaluate the effect on tonnage. 	Budgeted under market development position	0	0	0
 Conduct market research on wood, drywall, composition roofing and fiberglass and other prevalent C&D materials 	Budgeted under market development position	0	0	0
SUB-TOTAL (TRACK 3-SECTION A)	0	0	0	0
TOTAL (TRACK 3)	0	0	0	0

	Staffing	1999-00	2000-01	2001-02
		M+S	M+S	M+S
		Budget	Budget	Budget
TOTAL TRACK 1	0	\$5,000	\$80,000	\$70,000
TOTAL TRACK 2	2 FTE	\$25,000	\$173,000	\$90,000
TOTAL TRACK 3	0	0	0	0
SUB-TOTAL (TRACKS 1, 2 and 3)	2. FTE	\$30,000	\$253,000	\$160,000
Less Currently Budgeted Funds	0	\$30,000	0	0
GRAND TOTAL New Funds Needed	2. FTE	0	\$253,000	\$160,000

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Recommendations of Commercial Recovery Task Force

Novembers, 1999

Task Force Members

Marcele Daeges,
Anne McLaughlin,
Susan Zioiko,
Washington County
City of Portland
Clackamas County

Genya Arnold, Metro Steve Apotheker, Metro

Overview

A Commercial Recovery Task Force comprised of local government and Metro representatives was charged with reviewing the Metro region's strategy for reaching its commercial waste reduction targets identified in the Regional Solid Waste Management Plan (RSWMP). The task force began meeting in July 1999, and produced draft recommendations on policy and program options (including resource needs) for a three-year timeline. Members of the task force were Susan Zioiko, Chair, Clackamas County;

Marcele Daeges, Washington County; Anne McLaughlin, City of Portland; Genya Arnold, Metro and Steve Apotheker, Metro.

Statement of the Problem

Progress in commercial waste reduction is not keeping pace to meet the targets for waste prevention and recovery that have been set for this sector in the revised RSWMP. Because commercial waste makes the largest contribution to the Metro region's total waste, it is critical to achieve the waste prevention and recovery targets for businesses in order for the region to meet its recovery rate target for total waste of 52% in the Year 2000. The region's total recovery rate for 1998 was 43.3%, off at least four percentage points from where it should be if the region was on track to meet its goal.

Background

Commercial waste is the largest component of Metro's disposed waste, accounting for more than 50% of what is landfilled. Residential (including multi-family) and construction and demolition (C&D) wastes comprise the balance.

The RSWMP sets out commercial waste reduction goals for the Year 2000 of 11,550 tons of waste prevention and 168,000 tons of source-separated business recyclables, primarily paper and containers. These goals represent the increase in waste reduction that is needed relative to 1995 baseline levels set out in the RSWMP.

The RSWMP identifies implementation of several recommended practices to meet the waste prevention and recovery goals.

- 1. Waste evaluations or audits shall address waste prevention, recovery and buy recycled opportunities in targeted businesses that generate large quantities of paper and packaging.
- 2. Model waste prevention programs shall be developed for different types of businesses.

- 3. Coordinated regional and local media waste prevention programs shall be developed.
- 4. Model buy recycled procurement outreach campaigns and policies shall be developed.
- 5. Market development efforts shall look at how recycled feedstock shall be substituted for virgin materials in manufacturing processes.
- 6. Provision of appropriate recycling collection containers to all small businesses.
- 7. Implement business recycling recognition programs.

Metro has not identified a strategy to comprehensively measure the level of commercial waste prevention occurring in the region. Some data is available on diversion through certain programs, such as paint reuse and edible food recovery. And, this past summer an intern was hired to review existing efforts to quantify waste prevention and to determine the feasibility of applying these approaches at the local level to commercial waste generators. A final report is due in November 1999.

Metro also has conducted focus groups with businesses on how to develop regional media campaigns on waste prevention. The results of these interviews indicated that regional media campaigns could be effective if they provide a strongly motivational message. However, businesses made little distinction between waste prevention and recycling activities. A media campaign should not try to distinguish between these two activities. Also, businesses need to receive site-specific information to solve immediate problems, rather than the general type of knowledge received through media campaigns.

However, despite the lack of measurement of commercial waste prevention, the region has a program which focuses on commercial waste prevention. Local government recycling staff conduct site visits at businesses, during which businesses receive information about waste prevention actions and buy recycled opportunities, in addition to potential improvements in their recycling collection system.

In the area of commercial recovery, programs appear to be diverting only about half of the tonnage needed to reach the target for this sector. However, the available data and on-route collection practices make it difficult to isolate business recovery from efforts that occur at multifamily locations and construction sites.

Also, different local policies and approaches to commercial waste recovery provide different conditions and reporting requirements for haulers and private recycling companies that provide commercial recycling collection services. For example, the City of Portland allows each business to arrange independently for services from its 60+ waste haulers and 30+ independent recycling collectors. However, the city requires businesses to file plans on how they will divert 50% of their waste and requires all waste haulers to offer collection of all recyclable paper and many other materials.

Outside of Portland, local jurisdictions have created commercial waste franchises. Local governments set commercial waste hauling rates for the franchised hauler, which include recyclables in the rate schedule.

Despite difficulties in meeting commercial recovery targets, the commercial waste stream remains rich in marketable recyclables. About 25% of commercial waste is comprised of recyclable paper, including corrugated cardboard, high-grade paper and mixed paper. A Washington County survey indicated that 90% of all businesses generating corrugated cardboard had recycling collection.

Nevertheless, regional waste composition data show that waste compactors, such as those often placed at multi-tenant office buildings, still average more than 10% corrugated cardboard, which is twice the average from other regional waste generators. Mixed office paper is highly recyclable, yet only 55% of businesses generating this material have put recycling collection programs in place. Furthermore, another 12% of disposed commercial waste is made up of metal, glass and plastic containers, plastic film and other scrap metal - all of which are easily recoverable.

A Washington County survey of 599 businesses in August 1998 showed that the average number of recycled materials increased with the size of the business, as measured by number of employees. Similar results were found in studies done by the City of Portland in 1993, 1996 and 1999.

Commercial recovery lags in small and medium-size businesses, due to a lack of storage space and lack of staffing resources to implement recycling programs. Also, larger businesses that have recovery programs may not be collecting the full range of recyclables that are generated.

Task Force Objectives and Process

The Commercial Recovery Task Force met for three months, starting in July 1999, and identified the following objectives:

- Assess level of commercial waste prevention and recovery in the Metro region.
- Identify politically acceptable programs and policies that would help the region effectively and efficiently meet its targets for the commercial sector.
- Develop and implement specific programs and policies that were identified.

In addition to discussion by Task Force members, interviews were conducted with more than two dozen haulers and business associations regarding potential actions that could be taken to increase recovery and prevention.

Waste haulers were very comfortable in the role of providing recycling collection services when businesses requested those services and adequate financial compensation was available. However, haulers did not want to be in the position of advising their customers, the businesses, on when and how to set up waste prevention programs. Also, hauler were reluctant to initiate provision of new or expanded recycling collection, however, they were very willing to respond to their customers' request for such services. Strong economic incentives were the clearest motivator to increase

Attachment II

recycling for this group. This may be the most difficult in Portland, where rates are set by negotiation between hauler and customer, and not all customers yet place recycling service as a high priority.

Businesses were supportive of recycling; however, they did not want to spend a lot of time seeking out information on recycling, waste prevention and buy recycling actions. They wanted specific information on markets and materials handling solutions to be provided. This was especially true for smaller and medium size businesses that did not have the staffing levels to figure out how to implement recycling programs. Regulatory actions to increase recycling might be acceptable if convenient, cost-effective recycling collection services were provided.

Finally, local government solid waste and recycling staff are definitely comfortable with the role of providing technical assistance. However, resources are limited for field staff to provide the initial and multiple follow up contacts needed to ensure that recycling collection programs are implemented at businesses.

Also, local government solid waste staff(with the exception of Clackamas County), are not involved in the plan review process for ensuring that the design of new buildings includes adequate recycling collection space to meet regional recovery rates. Washington County has adopted a model ordinance for construction of commercial buildings, but there are no staff to implement it. The City of Portland has adopted an ordinance that applies only to multi-family units, but there is no oversight.

The Task Force developed a list of 20 potential actions. Task Force members, according to the following criteria, discussed each action:

- Political acceptance
- Program cost
- Potential new tonnage diverted
- · Ability to institutionalize
- Ability to monitor and evaluate
- Problems addressed by the recommended action
- New problems created by the recommended action

Each action was then ranked on a five-point scale, with 1=Low and 5=High. Troutdale, Gresham, Portland, Clackamas County, Washington County and Metro submitted rankings, along with final comments.

Of the 20 actions identified by the Task Force, seven actions received a ranking greater than three. These seven actions comprise the draft recommendations being offered by this Task Force.

Draft Recommendations

Seven actions are recommended for implementation or further review, where needed.

- 1. Increase market development efforts, both regionally through Metro and statewide through the Oregon Market Development Council. Develop markets for new materials and local markets for recycled feedstock that might offer higher prices (Ranking 4.7).
- 2. Implement disposal bans for selected materials. This proposed policy needs greater review by a larger stakeholder group that includes haulers, private recycling collectors, processors, disposal facilities, businesses and the public. In particular, issues such as enforcement, market price impact and flow control need to be reviewed (Ranking 4.3).
- 3. Expand local governments' technical assistance to businesses on waste prevention, buy recycled and recycling. The current technical assistance program of waste evaluations needs to be assessed for its effectiveness in increasing recovery tonnage. Future technical assistance programs need to be designed to allow for easy program evaluation. Staffing needs to be increased to provide greater contacts and follow ups at each business and to expand the types and number of targeted businesses (Ranking 4.2).
- 4. Implement design review ordinances for recycling collection areas in new commercial and multi-family buildings. Several local governments have adopted an ordinance, but do not have dedicated staffing or technical resources to monitor submitted plans and compliance. Adoption of an ordinance, technical support and a dequate staffing are all needed to ensure that the new construction in the region will have adequate recycling space to enable full participation in reaching the region's recycling goals (Ranking 4.2).
- 5. Promote commingling. Commingling can result in fewer recycling containers, accepting more materials in less space, with less-complicated sorting instructions. The development of commingled collection and processing capacity in the region is seen as an important shift in how recycling service is provided. Awareness of this new service level would be especially important to businesses facing space and resource limitations in implementing new or expanded recycling collection. One element of a regional media outreach program might talk about the availability of this service. It is important to link any promotion of commingling with a prior inventory of commingled processing capacity in the region to adequate geographic distribution and access by all haulers as noted in recommendation seven below (Ranking 4.2). (see note on following page regarding recent amendments to this recommendation)
- 6. Target outreach to promote waste prevention. Specific outreach campaigns and technical assistance should target activities (double-sided copying) and packaging (reusable transport packaging) that increase waste prevention. Campaigns that target a specific activity or material in a homogeneous population (e.g., offices for double-sided copying) offer the greatest opportunity to have their results tracked (Ranking 4.2).
- 7. Ensure the region has adequate commingled processing capacity for commercial recycling with equitable access by the region's collectors and that these facilities are capable of meeting high standards for recovered materials (Ranking 3.3).

DRAFT RECOMMENDATIONS ON COMMERCIAL WASTE PREVENTION AND RECOVERY - 11/9/99

	Staffing	1999-2000 M+S Budget	2000-2001 M+S Budget	2001-2002 M+S Budget
TRACK 1 WASTE PREVENTION Target specific activities for implementation and measurement.				
A. Targeted waste prevention projects.				
Review commercial waste prevention measurement.	Intern and Contractor w/oversight by Commercial Task Force	\$4,000		
2. Evaluate selected waste prevention activities.		\$10,000		
3. Implement first waste prevention project.			\$50,000	
4. Evaluate first project.				\$15,000
5. Implement second waste prevention project.				\$50,000
Subtotal (Section A)	0	\$14,000	\$50,000	\$65,000
Total Track 1	0	\$14,000	\$50,000	\$65,000

NOTE: Track 2 B2 also includes waste prevention actions.

TRACK 2 RECOVERY Develop a system to ensure effective commercial recovery is in place.				
A. Promote commingling. *				
1. Include as part of, but not the focus of, a regional outreach campaign	Contract	\$225,000		
2. Outreach campaign evaluation		\$15,000		\$15,000
Subtotal (Section A)		\$240,000	0	\$15,000
B. Expand technical assistance.				
Evaluate local waste audit programs	Contract	\$25,000		\$25,000
2. Local government waste audits, 6 FTE through contractors or staff includes waste prevention, buy recycled and recovery.			\$300,000	\$300,000
Develop Web site and support material for recycling information			\$75,000	\$50,000
Subtotal (Section B)		\$25,000	\$375,000	\$375,000

*Note: Amendments were made to this portion of the Commercial Work Plan in mid 2000. The focus of the outreach will not be commingling, rather it will take a broader approach to encourage businesses to increase their recycling, buy recycled, and waste prevention efforts. Businesses will be asked specifically to call Metro to sign up for free technical assistance (provided by local governments).

Attachment II

C. Implement disposal bans for selected materials.				
Stakeholder review to identify material and implementation issues.		\$5,000	\$10,000	
2. Study to review market and implementation issues of bans.		\$5,000	\$25,000	
3. Determine administrative rules.				
4. Hire enforcement staff.	1			
5. Outreach to publicize new policy.	i.			
6. Implement buy recycled program to increase market demand for banned material				
Subtotal (Section C)	1	\$10,000	\$35,000	0
D. Design review ordinances for recycling areas in new buildings.				
Technical assistance during review process by local governments			\$10,000	\$15,000
2. Adoption of design ordinances and implementation rules by local governments.			\$5,000	
3. Funding for local government staff to implement.			\$75,000	
Subtotal (Section D)		\$0	\$90,000	\$15,000
E. Ensure commingled processing capacity and standards.				
Develop inventory of different commercial commingled sorts and processing facility capacity.	Contract	\$10,000	\$5,000	
2. Stakeholder review of commingled processing standards.			\$5,000	\$5,000
3. Implement recommendations for monitoring facility performance.				\$25,000
Subtotal (Section E)		\$10,000	\$10,000	\$30,000
Total Track 2	1	\$285,000	\$510,000	\$435,000
		<u> </u>		
TRACK 3 MARKET DEVELOPMENT Ensure adequate market capacity is available.	- T			
A Increase market development efforts		 		

TRACK 3 MARKET DEVELOPMENT Ensure adequate market capacity is available.			
A. Increase market development efforts.			
1. Review market capacity for mixed paper, color-mixed and green glass, film plastic, rigid plastic containers.		\$25,000	\$25,000
2. Look at market initiatives that would create higher value regional markets		\$25,000	\$25,000
3. Staffing for commercial material market development, buy recycled and technical assistance	0.5	\$27,500	
Subtotal (Section A)	0.5	\$50,000	\$50,000
Total Track 3	0.5	\$50,000	\$50,000

SUMMARY Materials & Services	Staffing	1999-2000 M+S Budget	2000-2001 M+S Budget	2001-2002 M+S Budget
TOTAL TRACK 1	0	\$14,000	\$50,000	\$65,000
TOTAL TRACK 2	1	\$285,000	\$510,000	\$435,000
TOTAL TRACK 3	0.5	\$0	\$50,000	\$50,000
SUB-TOTAL (TRACKS 1,2 and 3)	1.5	\$299,000	\$610,000	\$540,000
LESS Currently Budgeted Funds	0	\$279,000	\$0	\$0
TOTAL New Funds Needed For Materials & Services	1.5	\$20,000	\$610,000	\$550,000

PLEASE NOTE:

All dollar amounts in Attachment II and its applicable appendices reflect **only Metro budget figures** for Metro specific programs.

AGENDA ITEM#	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Approve Engineering Services Contract for 121st Avenue and Walnut Str	<u>reet</u>
Improvements	
PREPARED BY: Vannie Nguyen DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahar	<u>n</u>
ISSUE BEFORE THE COUNCIL	
Shall the Local Contract Review Board approve two contract awards for engineering design services for 121st Avenue and Walnut Street Improvements?	
STAFF RECOMMENDATION	_

Staff recommends that the Local Contract Review Board, by motion, approve the contract awards to **Westlake Consultants** in the amount of \$215,220.00 for engineering design services for 121st Avenue Improvements and to **CESNW Consultants** in the amount of \$164,660.00 for engineering design services for Walnut Street Improvements.

INFORMATION SUMMARY

The existing 121st Avenue (between Gaarde Street & Tippitt Place) and Walnut Street (between 116th & Tiedeman Avenue) are incapable of adequately serving the existing traffic and future transportation needs. Currently, 121st Avenue and Walnut Street are narrow two-lane roadways with no sidewalks, curbs or adequate shoulders for pedestrians or bicyclists. Motorists experience difficult traffic movements because the street alignments do not meet sight distance requirements.

Improvements to widen 121st Avenue and Walnut Street to the ultimate width of a Major Collector would provide improved alternate routes to the already highly congested Highway 99W, Scholls Ferry Road and Gaarde Street. The streets are proposed to be improved to the standard width of 44 feet curb to curb with curbs, sidewalks and bike lanes on both sides.

In January 2002, the Engineering Department conducted an RFP (Request for Proposals) process to select consultants to perform design services for 121st Avenue and Walnut Street Improvements. Out of 21 consulting firms submitting proposals for the 121st Avenue project and 22 for the Walnut Street project, 6 consultants were shortlisted for interviews. Consulting firms that were selected for interviews are:

- 121st Avenue project: Westlake Consultants, Century West Engineering, and Kurahashi & Associates.

- Walnut Street project: Harper Houf Righellis, CESNW and OTAK Engineering.

After consultant interviews and review of proposals, Westlake and CESNW Consultants were selected as the best candidates with capabilities, qualifications, and resources sufficient to perform the required services.

Following approval by the Local Contract Review Board, staff plans to finish the design by December 2002. Construction for the two projects will be scheduled at a later date. Funding could be through TIF funds or through a future bond issue.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Safety" and "Improve Traffic Flow".

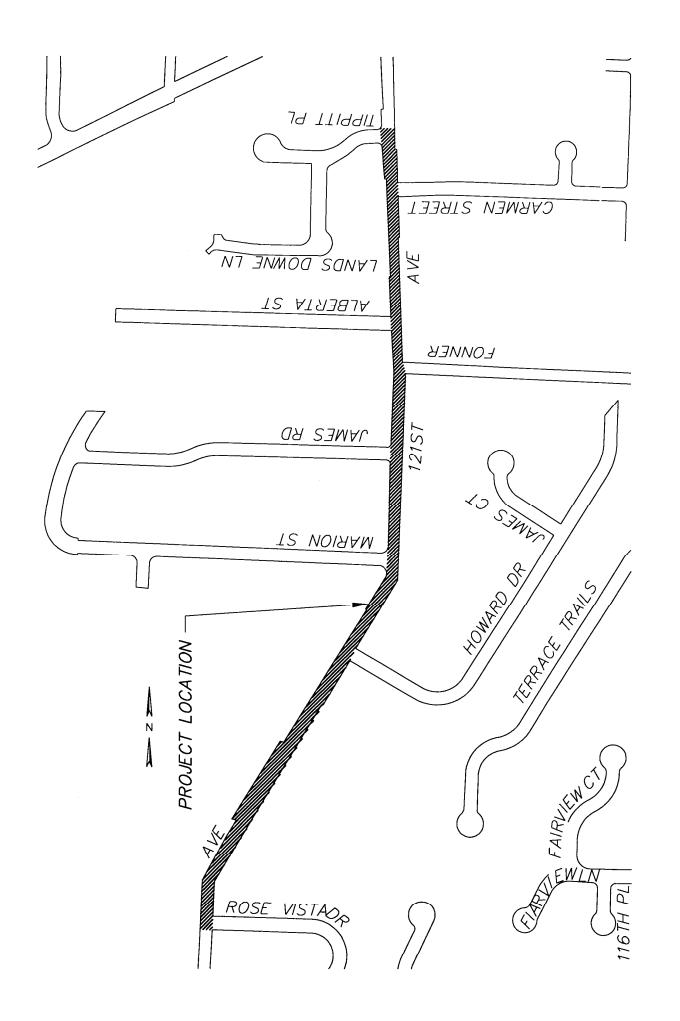
ATTACHMENT LIST

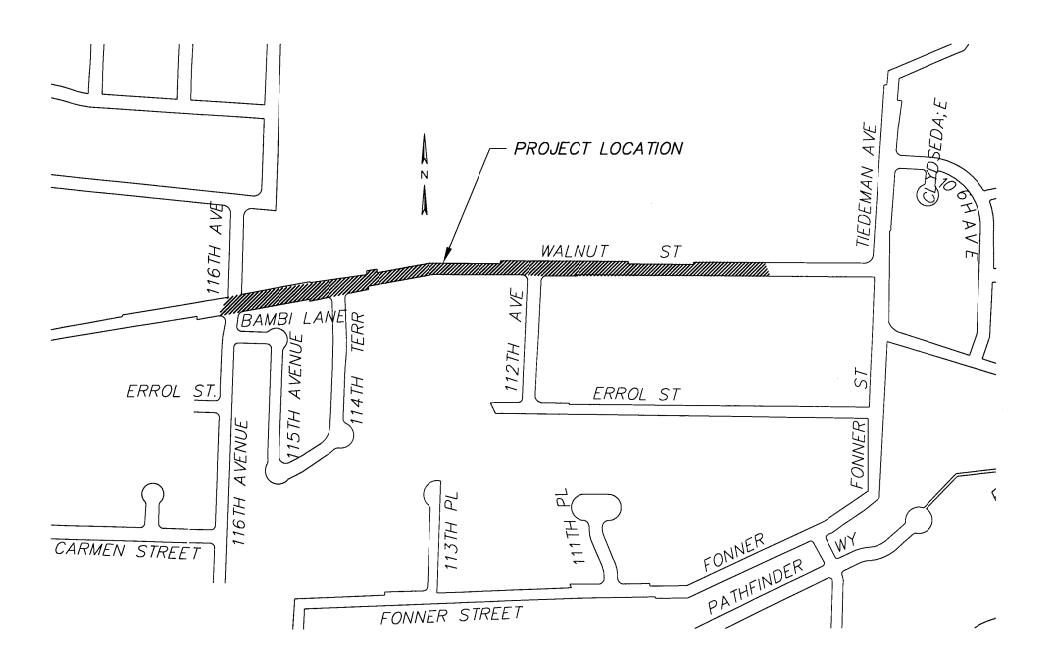
Project location maps

FISCAL NOTES

These two projects are funded in the FY 2001-02 Capital Improvement Program using Traffic Impact Fee funding in the amount of \$250,000 for the design and right-of-way acquisition for the projects. The projects are also proposed to be funded in the amount of \$800,000 in the FY 2002-03 TIF fund.

i:\citywide\sum\agenda summary for 121st ave and walnut street rfp.doc





AGENDA ITEM # _	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Religious Institu	te & Joint Parking Zo	ne Ordinance Amendment (ZOA20	001-00003)
PREPARED BY: Brad Kilby	_ DEPT HEAD OK	CITY MGR OK	
ISS	UE BEFORE THE CO	DUNCIL	
Should the Council approve a requested Zeinstitution parking requirements?	one Ordinance Amen	dment to amend the joint parking a	and religious
ST	AFF RECOMMEND	ATION	
Staff recommends approving the requested Tigard Planning Commission.	Zone Ordinance Ame	endment as amended by motion by	the City of
	JEODMATION STIMM	MADV	

INFORMATION SUMMARY

The Tualatin Valley Christian Ministries initiated a request to City staff and the City Council. As a result, the Community Development Director appointed staff to work with a committee of citizens to review the concerns and recommend solutions. The Committee met once and suggested a few alternatives that have been incorporated into the proposal currently before the City Council. The Planning Commission held a public hearing on the request on February 4, 2002. At that meeting, the Commission voted 6 to 1 in favor of the amendment with one abstention. Since this amendment is legislative in nature and does not further restrict property, the City Attorney has indicated that individual property owner notice was not required. Notice procedures in the development code including publication of notice in the paper, and written notice to the appropriate agencies were met.

The proposal makes the following recommendations:

- Changing the parking requirement for Religious Institutions from one space for every two seats, to one space for every 3-4 seats in the main sanctuary. (Table 18.765.2)
- Allowing joint parking to occur up to 500 feet from the property line for all uses as opposed to the current standard of 200 feet from the building for residential and 300 feet from the building for commercial and industrial uses. [Section 18.765.030(B)]
- Allowing some on-street parking to occur where streets are designed and improved to accommodate such parking.

Essentially, the amendment allows religious institutions to provide 1 space for every four seats in the main sanctuary on-site if they can show, through a parking plan, that they can meet the 1 space for every three seats in the main sanctuary utilizing a variety of options including adjustments, on-street parking, and joint parking.

Attached as "Attachment 1" is the ordinance adopting the proposal. The Planning Commission recommendation and meeting minutes are attached as "Attachment 2".

OTHER ALTERNATIVES CONSIDERED

Deny the request or approve it with revisions.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

- 1. "Community Character and Quality of Life"- Develop strategies to balance needs of new and infill development with need to provide preservation and protection of open space, natural areas, and other defined aesthetic qualities valued by those who already live and work in Tigard.
- 2. "Transportation and Traffic"- Improve traffic safety by reducing actual speeds on neighborhood streets.

ATTACHMENT LIST

Attachment 1: Ordinance adopting the code amendments **Exhibit A-1:** "Revised" Proposed language Changes

Attachment 2: 2/4/02 "Draft" Planning Commission Meeting Minutes.

Attachment 3: Staff Report to the Planning Commission (including Exhibits A & B)
Attachment 4: Staff follow-up memo regarding Washington County parking standards

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE TO ALLOW FOR MORE FLEXIBILITY PERTAINING TO PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTIONS AND JOINT PARKING THROUGHOUT THE CITY OF TIGARD.

WHEREAS, the applicant requested a Zone Ordinance Amendment to adjust the parking requirements for religious institutions in all zones, to amend the maximum distance for shared parking in all zones, and to allow on-street parking for religious institutions in instances where the street is designed and improved to accommodate on-street parking; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on February 4, 2002 and reccommended approval of the proposed amendment by motion and a vote of 6 in favor, 1 against, and 1 abstention.

WHEREAS, the City Council held a Public Hearing on the request on March 12, 2002 and indicated they were supportive of the proposed zone change and directed staff to prepare language and an Ordinance for Council review and approval; and

WHEREAS, the City Council determined that the proposed language adequately addressed concerns regarding protecting both the residential neighborhoods, as well as, the interests of the Tualatin Valley Christian Ministries; and

WHEREAS, the City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380, 18.390 and 18.765; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, and 2.1.3; The Metro 2040 Plan; and Statewide Planning Goals 1 and 2; and

WHEREAS, the City Council has determined that the proposed zone ordinance amendment is consistent with the applicable review criteria and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1:	The specific text amenden and approved by the City C		to this Ordinance are hereby adopted
SECTION 2:	This ordinance shall be the Mayor, and posting b	•	ssage by the Council, signature by
PASSED:	=	vote of all Council members p day of, 2	present after being read by number 2002.
		Catherine Wheatley	, City Recorder

"ATTACHMENT 1"

APPROVED:	By Tigard City Council this	day of	, 2002.
		James E. Griffith, N	Mayor
Approved as to f	Form:		
City Attorney			
Date			

EXHIBIT A-1

ADDITIONS: Indicated by **UNDERLINE**

DELETIONS: Indicated by STRIKE-THROUGH

(Additionally, a bar in the far right margin also indicates where a change has been made. Example: $\rightarrow 1$)

Religious Institution Parking Amendment Proposals

18.765.030 General Provisions

- B. <u>Location of vehicle parking</u>. The location of off-street parking will be as follows:
 - Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwelling(s);
 - 2. Off-street parking lots for uses not listed above shall be located not further than 200 500 feet from the building or use property line that they are required to serve, measured in a straight line along the most direct, publicly accessible pedestrian route from the building property line with the following exceptions:
 - a. Commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 300 500 feet from the primary site;
 - b. The 40 parking spaces which remain on the primary site must be available for users in the following order of priority:
 - 1) Disabled-accessible spaces;
 - 2) Short-term spaces;
 - 3) Long-term preferential carpool and vanpool spaces;
 - 4) Long-term spaces.
- C. <u>Joint parking.</u> Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlay, subject to the following:
 - 1. The size of the joint parking facility shall be at least as large as the

- number of vehicle parking spaces required by the larger(est) use per Section 18.765.070;
- 2. Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases or contracts to establish the joint use;
- 3. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title thereafter apply to each separately.

18.765.70 Minimum and Maximum Off-Street Parking Requirements

- D. <u>Exclusions to minimum vehicle parking requirements.</u> The following shall not be counted towards the computation of the minimum parking spaces as required in Section 18.765.070H:
 - 1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement; except; Religious Institutions may count on-street parking around the perimeter of the use provided that the following criteria have been satisfied:
 - a. The on-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way.
 - b. The street where on-street parking is proposed is not located on local residential streets.

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements

	MINIMUM	
Religious Institutions	1.0/2 36 seats in main assembly area (M)	

[6] Religious institutions may provide 1 space for every 4 seats on site in the main assembly area provided that they supply the City with a parking plan that demonstrates that the peak parking demand of 1 space for every 3 seats is met utilizing any combination of the alternatives mentioned in this chapter. Adjustments to the minimum parking of 1 space for every 3 seats may be granted per applicable provisions of the code, but shall not decrease the amount of required on-site parking to less than 1 space for every 4 seats (unless the cumulative value of all adjustments granted results in an adjusted requirement of less than 1 space for every 4 seats.)

CITY OF TIGARD PLANNING COMMISSION Meeting Minutes

February 4, 2002

1. CALL TO ORDER

President Padgett called the meeting to order at 7:30 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Padgett; Commissioners Anderson, Bienerth,

Buehner, Mores, Munro, Sutton, Webb, and Wolch

(alternate)

Commissioners Absent: Commissioner Scolar

<u>Staff Present:</u> Dick Bewersdorff, Planning Manager; Brad Kilby, Associate

Planner; Morgan Tracy, Associate Planner; Jerree Gaynor,

Planning Commission Secretary

3. COMMUNICATIONS

The joint meeting with City Council on February 19th, will begin at 6:30 p.m. instead of 7:00 p.m. Suggested topics for the meeting have been forwarded to the Council.

4. PUBLIC HEARING

4.1 ZONE ORDINANCE AMENDMENT (ZOA) 2001-00003 RELIGIOUS INSTITUTE PARKING CODE AMENDMENT

REQUEST: A request to review and amend the Religious Institution parking requirements within the Tigard Community Development Code to allow for more flexibility. The request revolves around the required seating that is currently imposed on the development of Religious Institutions within the City of Tigard. The current proposal involves three components:

- 1) Changing the requirement from one space for every two seats in the main sanctuary to one space for every three to four seats;
- 2) Allowing shared parking to occur up to 500 feet from the property line for all uses; and
- 3) Allowing some on-street parking to occur where streets are designed and physically improved to accommodate such parking.

LOCATION: Citywide. **ZONE:** N/A **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 and 2; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2 and 2.1.3; and Community Development Code Chapters 18.380, 18.390 and 18.765.

STAFF REPORT

Brad Kilby presented the staff report on behalf of the City. This amendment results from a request by the Tualatin Valley Christian Ministries, which advised that the City's parking standards do not conform with the standards of other jurisdictions and requested that the standards be reviewed to accommodate the planned expansion of many religious institutions. Staff was directed to form a committee in conjunction with Tualatin Valley Christian Ministries in order to look into alternatives to the current parking standards. A survey was conducted and it was found that Tigard imposes the strictest parking standards compared with surrounding jurisdictions. One of staff's concerns is not having justification for raising the standards. No other jurisdiction provided its justification for allowing a 1:3-4 ratio of parking spaces per seats. Staff researched the issue through various resources and drafted the proposed amendments to allow a minimum of one parking space for every three seats in the main sanctuary, or one space for every four seats using the adjustments for adjacent on-street parking or a shared parking agreement as set forth in the staff report.

Upon inquiry by the Commissioners, staff advised that they are not aware of the Washington County ratio, but believe it is 1-to-2. The average family size in Tigard is 2.48. The memo from Mr. Ford, attached as Exhibit A, provides data on the ratio of vehicles and people in attendance at Westgate Baptist Church. This data varies among the various religious institutions in Tigard, and the average is approximately 2.5.

President Padgett noted that religious institutions are in an overlay Institutional Zone, which is conditionally allowed in all zones. He asked how the parking requirements are calculated for non-religious community institutions such as a community center. Mr. Padgett pointed out that if the use of the religious facility is expanding, then perhaps having a separate religious institution parking requirement is no longer relevant. Staff advised that the calculation is determined by the type of institution/use and most types are specifically addressed in the code. If a certain type of institution is not specifically addressed, it is referred to the director for determination. For example, the requirement for a cultural institution is a minimum of 2.5 spaces per 1,000 square feet. The requirements are based on square footage and type of use. Mr. Kilby stated that an exhaustive study in Redmond, Washington had been made on this issue and it was determined that the accessory uses did not conflict with the use of the main sanctuary and therefore it was not deemed necessary to address those uses as separate uses.

Commissioner Munro asked about ability of the City to determine whether or not the religious institution is meeting the requirements, and President Padgett asked what the remedy would be if a surrounding community disputed that the institution was meeting the requirements.

Mr. Kilby responded that the determination of whether parking requirements are being met is not complaint-driven by the surrounding community. When an institution is developed or application is made for expansion, a parking study is performed as part of the application process and the requirements are determined at that time. The applicant must follow specific criteria and prove that the requirements are met.

Commissioner Buehner commented that expanded uses, such as evening services, may have a different impact on parking than would the usual weekend morning services. She asked if this issue had been looked at. Staff responded that a separate analysis on such an impact had not been performed because traffic and parking requirements are determined by analyzing peak demand, not particular days or times of use.

PUBLIC TESTIMONY – IN FAVOR

Kelly Ford, 13975 SW 27th St., Beaverton, OR 97008, stated that he represents Westgate Baptist Church and the Tualatin Valley Christian Ministries. Mr. Ford submitted written testimony in favor of the application, attached to these minutes as Exhibit A. Mr. Ford pointed out that the survey attached to his written testimony uses data collected at the church's 11:00 a.m. Sunday service because this is the most intensive use of the church and other accessory uses generate less attendance and parking needs. He also stated that he does not believe information contained in the staff report about the establishment of minimum requirements by Metro is correct. He said that Metro does not set forth any minimum parking requirements; Metro standards provide a maximum amount of parking that the City may permit. The maximum amount of parking under Metro standards that the City may require is 2-to-1, and the maximum amount it may permit is 1.7-to-1, and the 1998 amendments to the code adopted both of those maximums. It is the applicant's position that the proposed ratio of one space for every three/four seats is reasonable and in line with the ratios allowed for other uses.

Father Leslie Sieg, St. Anthony's Parish, 13665 SW Fern St., Tigard, OR 97223, also testified as to the reasonableness and desirability of the proposed parking amendments. He said he does not believe it was the City's intent to impose more restrictive requirements on religious institutions at the time the code was amended in 1998. The Commission should also be made aware that while parking requirements are based on 100% of the institution's capacity, actual attendance/use rarely exceeds 80%. In other words, peak usage is actually less than the peak capacity on which the requirements are based. He also reiterated that peak usage is only obtained at weekend morning services and all other uses require less parking.

PUBLIC TESTIMONY – IN OPPOSITION

None

PUBLIC HEARING CLOSED

The Commissioners agreed that the language set forth on page two of Mr. Ford's letter (Exhibit A) captures the intent of this proposal.

Upon inquiry by President Padgett, staff explained the reasoning for the change from 1-to-3.3 to 1-to-3 was due to consideration of what is appropriate for Tigard and the local situation.

Commissioner Munro stated that she is in support of the amendment. She is not in favor of large areas of asphalt parking lots based on peak demand but are largely unused. As far as implementing this parking plan, Commissioner Munro would like to see applicants use creative strategies and look at all aspects of their parking needs, such as carpooling, encouraging public transportation, partnering with park & ride, shuttles, etc., as well as being self-policing, in order to minimize impact on the surrounding neighborhood.

Commissioner Mores and Commissioner Sutton expressed support of the recommendation.

Commissioner Bienerth said that while she does feel that the current parking requirement is somewhat strict, she does have some concerns about allowing on-street parking for a religious facility. There should be uniformity in the parking code and they should not set a precedent where other uses will use this amendment as a basis for seeking exceptions to the parking code. She supports the amendment in part, but would like to limit the ratio to 1-to-3 ratio without adjustment. President Padgett pointed out that shared parking with adjacent properties is also an adjustment and that on-street parking can be viewed as shared parking. Commissioner Bienerth said she is in favor of shared parking, her objection is only with on-street parking when it impacts surrounding neighbors. She would like staff to consider this issue.

Commissioner Anderson commented that on-street parking is only allowed on streets designed to accommodate on-street parking and are approved for that standard. While on-street parking can impede traffic flow, it also serves to slow traffic.

Commissioner Sutton noted that on-street parking is required to be adjacent to the facility and is not allowed on local residential classified streets. In addition, a street must be upgraded for on-street parking to be allowed.

A brief discussion was held regarding street classifications and what streets are eligible for on-street parking. The intent is to preclude on-street parking on local residential streets, but parking is permitted on local collector and commercial streets.

Commissioner Buehner stated she supports the 1-to-3 ratio, but noted that many churches have a larger senior population that commonly only have one person in the car. Her main concern is about on-street parking and its impact on the community.

Commissioner Webb has no objections to the amendment, but also is concerned about on-street parking.

Commissioner Sutton asked what the requirements are to ensure that a street is suitable for allowing on-street parking.

Staff responded that an applicant seeking to count on-street parking must present a plan showing that the street meets the requirements for and can accommodate on-street parking. On-street parking is limited to those streets that are not local neighborhood streets. If there is an impact, it can be addressed through the conditional use process.

Commissioner Buehner asked if the City has the ability to force a religious institution to address their parking needs if the use expands over time. Staff responded that the City can only require that the facility provide the required number of spaces based on the number of seats in the main sanctuary.

President Padgett stated that he is in support of the amendment. He does not feel that what other jurisdictions require should be a consideration here. He supports increasing the ratio to 1-to-4. This amendment does not encourage people to park on neighborhood streets. When an applicant presents a parking plan that counts on-street parking, that applicant will be required to improve the street to meet the standards for accommodating on-street parking. He feels that the concerns expressed above have been addressed.

Following discussion, Commissioner Munro moved, based on the findings in the staff report and testimony heard tonight, to recommend to City Council to adopt the proposed amendment, including the amendment to Footnote 6 as follows:

"Religious institutions may provide one space for every four seats on site in the main assembly area provided that they supply the City with a parking plan that demonstrates that the peak parking demand of one space for every three seats is met utilizing any combination of the alternatives mentioned in this chapter. Adjustments to the minimum parking of one space for every three seats may be granted per applicable provisions of the Code, but shall not decrease the amount of required on-site parking to less than one space for every four seats unless the cumulative value of all adjustments granted results in an adjusted requirement of less than one space per four seats."

Commissioner Mores seconded the motion. A voice vote was taken and the motion passed 6-1: Commissioner Buehner voted no and Commissioner Bienerth abstained.

5. OTHER BUSINESS

Morgan Tracy submitted a memorandum regarding planned development ordinance language revisions, attached as Exhibit B to these minutes. He briefly discussed the details set forth in the memorandum.

The ordinance revisions address the Commission's concerns related to density bonuses granted for providing open space that is otherwise undevelopable and for trees protected in areas where development would not otherwise be allowed to occur. The Commissioners agreed that the proposed language set forth in the memorandum (Exhibit B) is acceptable.

These amendments affect properties Citywide and therefore, under the requirements of Ballot Measure 56 which is now State law, notice must be provided to all property owners at a cost to the City of over \$6,000 to mail 16,000 notices. Because of this, the Commission should consider the advisability of delaying these amendments until such time as they can be bundled with other Citywide amendments requiring the mailing of a notice, in order to avoid this separate mailing cost to the City.

Another issue to be considered is an amendment to the development code that these changes will not apply to those areas within the Urban Growth Boundary outside the City limits. The City will therefore be dealing with two separate standards until and if Washington County changes its code to apply to that area. Further discussion was held regarding the City of Tigard and Washington County's adoption of these amendments. From a budgetary standpoint, staff recommends that these amendments be bundled with other amendments that require the mailing of notice. Following further discussion, staff was requested to research the issue and provide a recommendation at the next Planning Commission meeting.

Planning Commission Secretary advised that the next Planning Commission meeting is scheduled for March 18, beginning at 7:00 p.m.

6. ADJOURNMENT

The meeting adjourn	ed at 8:53 p.m.
	Jerree Gaynor, Planning Commission Secretary
ATTEST: President	Mark Padgett

KELLY E. FORD, P.C.

ATTORNEY AT LAW 14355 Southwest Allen Blvd., Suite 100 Beaverton, Oregon 97005-4404

Facsimile (503) 641-8757

Telephone (503) 641-3044

Emall Kord law@gle.net

January 28, 2002

To: Tigard Planning Commission

From: Kelly Ford

Re: Item 4.1 Zone Ordinance Amendment 2001-00003 Religious Institute Parking Code Amendment.

Dear Members of the Planning Commission:

I am a member of the Citizen Task Force that developed the proposed amendments that are the subject matter of this item. I am also a member of and general counsel to Westgate Baptist Church at 12930 SW Scholls Ferry Road, Tigard, which currently has a conditional use application pending in connection with its development of a new multi-purpose building that will seat 600 for church services. This testimony is offered on behalf of Westgate Baptist Church in favor of the proposed amendment.

Westgate agrees with the proposed new ordinance with a single exception. The proposed terminology of footnote six of Table 18.765.2 purports to require parking of not less than one space per three seats in the main assembly area, including "any combination of the alternatives and adjustments mentioned in this chapter." The "alternatives" referred to are such things as joint parking agreements. "Adjustments" are provided in the code for such things as development of mass transit improvements on site, and in situations where the applicant proves its vehicle demand is less than the applicable minimum parking standard would require be accommodated. Grant of an adjustment can reduce the minimum required parking below the table minimum.

No separate parking standard is stated in footnote 6 for religious institutions whose applications do not involve adjustments, and that is not the intent of this proposal. Thus, the proposed terminology is unclear at best, and quite possibly, would not permit adjustments to affect the required minimum ratio. That is contrary to the express terms of the adjustment provisions of the codes, which are created for the precise purpose of permitting decreases to the amount of required parking, where applicable. I also believe it is not the intention of any of the Task Force members to create such an inflexible provision. Religious institutions should have the same opportunity to apply for and receive adjustments to required parking as other uses. Therefore, I ask the Commission to adopt the following language in footnote 6 instead of the language in the staff report:

January 28, 2002 Page 2

Footnote 6:

"Religious institutions may provide 1 space for every four seats on site in the main assembly area provided that they supply the City with a parking plan that demonstrates that the peak parking demand of 1 space for every 3 seats is met utilizing any combination of the alternatives mentioned in this chapter. Adjustments to the minimum parking of 1 space for every 3 seats may be granted per applicable provisions of the Code, but shall not decrease the amount of required on-site parking to less than 1 space for every four seats unless the cumulative value of all adjustments granted results in an adjusted requirement of less than one space per four seats."

For the Commission's information, in light of the existing standard of one space for every two seats and Westgate Baptist Church's need to receive an adjustment to that ratio under existing adjustment procedures, Westgate has conducted a survey of its attendance and vehicle count for its 11:00 a.m. service that shows our average vehicle occupancy has been one vehicle for each 3.05 persons in attendance. A copy of that report is attached.

I have no reason to believe our ratio is significantly different than other churches. Our average count per car is higher than the average family size cited in the staff materials. Reasons for this include carpooling, which is especially common among seniors, use of TriMet, which stops by the church, some pedestrian traffic, and disproportionately higher church attendance among families with children as opposed to single adults.

The existing ratio of one space per two seats in the main assembly area has the effect of blocking any further development of substantial sized churches within the City of Tigard. Design standards require approximately one acre of land for each 100 parking spaces which, under the existing code, means one acre of parking for each 200 attendees. To develop an assembly area for 600 attendees such as the Westgate proposal, under the current standard approximately three acres must be devoted to parking. Adding the building itself with an appropriate number of classrooms means that it takes a four acre site to build a medium size church, without any consideration of other uses such as outdoor athletic facilities. There are very few sites remaining within the city that will accommodate that size church, and almost none that will accommodate a larger church. The amendment provided by this proposal before you is desperately needed.

Thank you.

like Engl

WESTGATE BAPTIST CHURCH

12930 SW Scholls Ferry Road, Tigard, OR 97223

11:00 am Service

Date	Attendance	Vehicles	Ratio
12/17/2000	237	80	0.00
24-Dec	199	70	2.96
31-Dec	192	70 71	2.84 2.70
01/07/2001	232	7 1 79	2.70
14-Jan	210	78	2.69
25-Feb	204	80	2.55
04-Mar	204	67	3.04
11-Mar	237	81	2.93
18-Mar	265	72	3.68
25-Mar	211	69	3.06
01-Арг	221	72	3.07
08-Арг	223	79	2.82
22-Apr	229	78	2.94
29-Apr	221	69	3.20
06-May	189	69	2.74
13-May	222	78	2.85
20-May	191	78	2.45
17-Jun	188	52	3.62
24-Jun	230	67	3.43
01-Jul	215	70	3.07
08-Jul	233	6 5	3.58
15-Jul	211	61	3.46
22-Jul	211	63	3.35
19-Aug	223	65	3.43
02-Sep	238	69	3.45
30-Sep	259	77	3.36
07-Oct	229	83	2.76
14-Oct	235	77	3.05
21-Oct	214	70	3.06
Total	6373	2089	3.05

The church does not have vehicle counts for dates missing from this analysis.

Agenda Item: Hearing Date: February 4, 2002 Time: 7:30 PM

STAFF REPORT TO THE PLANNING COMMISSION FOR THE CITY OF TIGARD, OREGON



SECTION I. **APPLICATION SUMMARY**

CASE NAME: CODE AMENDMENT TO THE SHARED PARKING AND RELIGIOUS

INSTITUTION PARKING REQUIREMENTS

CASE NO.: **ZOA2001-00003** Zone Ordinance Amendment (ZOA)

PROPOSAL: To review and amend the Religious Institution parking requirements

within the Tigard Development Code to allow for more flexibility. The request revolves around the required seating that is currently imposed on the development of Religious Institutions within the City of Tigard. The

current proposal involves three components:

Changing the requirement from one space for every two seats, to one space for every 3-4 seats.

Allowing shared parking to occur up to 500 feet from the property

line for all uses.

Allowing some on-street parking to occur where streets are

designed and improved to accommodate such parking.

APPLICANT: Tualatin Valley Christian Ministries OWNER: N/A

9905 SW McKenzie Street

Tigard, OR 97223

ZONE: N/A.

LOCATION: Citywide.

APPLICABLE REVIEW

Community Development Code Chapters 18.380, 18.390 and 18.765; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, and 2.1.3; The Metro 2040 Plan; and Statewide Planning Goals 1 and 2. CRITERIA:

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission alter the Religious Institution parking requirements as determined through the public hearing process and make a recommendation to the Tigard City Council.

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ZOA2001-00003 PAGE 2 OF 8

SECTION III. BACKGROUND INFORMATION

As the role of religion within our society evolves, the use is expanded and redesigned to accommodate the function of their respective purpose. Religious institutions have changed the way that they operate. One can no longer say that religious institutions are comprised of a main sanctuary and several small classrooms for Sunday school. In addition to Boy Scouts and Girl Scouts there are aerobics sessions, art lessons, counseling, day care and schools. Serving the larger community there are clothing banks, food pantries, meetings for varied 12 step programs, soup kitchens, and even drug treatment centers. As a result, neighbors can feel their communities are overwhelmed by churches now operating day and night, seven days a week. Many of the Religious Institutions within Tigard have indicated that they will be seeking to expand their facilities within the next few years. Several of the ministries approached City staff about amending the parking standards to reflect a standard that would be more in line with other jurisdictions around Tigard. Staff conducted a survey of surrounding jurisdiction requirements, and found that the Tigard Development Code was stricter than surrounding jurisdictions. However, a literature review of professional sources shows that Tigard regulations are in line with professional recommendations. To that end, staff was directed to work with a parking committee to come up with a resolution and proceed with an application to amend the code.

SECTION IV. SUMMARY OF APPLICABLE CRITERIA

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

 The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and for changes to the Comprehensive Plan and implementing documents. This goal has been met by complying with the Tigard Development Code notice requirements set forth in Chapter 18.390. Notice has been published in the Tigard Times Newspaper prior to the public hearing. Two Public Hearings are held (one before the Planning Commission and the second before the City Council) in which public input is welcome. Staff has also worked with a committee of citizens to review the alternatives. The City CIT members were also notified of the proposed changes.

ZOA2001-00003 PAGE 3 OF 8

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process for and policies to review changes to the Development Code consistent with Goal 2. The City's plan provides analysis and policies with which to evaluate a request for amending the Code consistent with Goal 2.

Any applicable Metro regulations;

Two Metro regulations need to be considered with regard to this request:

Title 2: (Metro code 3.07.210-3.07.220) Regional Parking Policy

The Metro 2040 Growth Concept calls for more compact development as a means to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. This title established regionwide-parking policies that set the minimum number of parking spaces which can be required by local governments for certain types of new development. It does not affect existing development. Parking maximums are also specified. By not creating an over supply of parking, urban land can be used most efficiently. The City of Tigard implements this policy through its off-street parking standards. Currently, Tigard's parking standard for religious institutions is the maximum minimum allowed by Metro. The proposed amendment will act to reduce the minimum parking standards for religious institutions to 1 space for every 3 seats in the main sanctuary or 1 space for every four seats in the main sanctuary as long as a parking plan is provided that illustrates that the 1/3 requirement can be met utilizing variances, adjustments, and the alternatives proposed as part of this amendment.

Title 3: (Metro code 3.07.310-3.07.370) Water Quality and Flood Management Conservation

The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. The proposed amendment will potentially reduce the amount of impervious surface, thereby providing additional opportunity for water to be filtered through natural systems, and allowing runoff that would otherwise tax the stormwater system to be accommodated on site.

→ Applicable Comprehensive Plan Policies: Comprehensive Plan Policy 1.1.1:

This policy states that all future legislative changes shall be consistent with the Statewide

Planning Goals and the Regional Plan adopted by Metro. As indicated above under the individual Statewide and Regional Plan goals applicable to this proposed amendment, the amendment is consistent with the Statewide Goals and Regional Plan.

Comprehensive Plan Policy 2.1.1:

This policy states that the City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process. This policy is satisfied because notice of the proposed amendment was mailed to all Citizen Involvement Team (CIT) Members and the amendment was discussed at a regular monthly CIT meeting. In addition, notice was published in the Tigard Times of the Public Hearing and notice will be published again prior to the City Council public hearing. Public input has been invited in the notice.

Comprehensive Plan Policy 2.1.2 and 2.1.3:

In pertinent part, this policy states that the Citizen Involvement Team program and the Citizen Involvement Team Facilitators shall serve as the primary means for citizen involvement in land use planning. Policy 2.1.3 states that information on land use planning issues shall be available in understandable form. These policies were satisfied because notice of the proposed amendment was mailed to all Citizen Involvement Team (CIT) Members and the amendment was discussed at a regular monthly CIT meeting. An attempt was made in the written notices and the amendment itself to make the proposal understandable to anyone who reads it.

• Any applicable provision of the City's implementing ordinances.

Code Section 18.380:

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Code Section 18.390:

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

Code Section 18.765:

This chapter establishes parking requirements intended to provide sufficient vehicle parking in close proximity to the various uses for residents, customers and employees, and to establish standards which will maintain the traffic carrying-capacity of nearby streets. These regulations are also intended to establish vehicle-parking areas which have adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on the site and at access points. The present amendment will satisfy this purpose as illustrated in the following

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analysis.

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SECTION V. STAFF ANALYSIS

The proposed amendment allows religious institutions and in cases of shared parking, other uses, some added flexibility. There is an inherent conflict between required parking based on peak demand and actual need as peak demand is not always consistent. And, there are many pros and cons to accommodation of parking. The amendment under consideration would relax the current one space for every two seats in the main sanctuary. It would allow religious institutions to utilize several alternatives to meet the underlying ratio of one space for every three seats in the main sanctuary. The benefits of requiring less parking include less impervious surface, more space for development or open space, and less stress on the Tigard stormwater system. The downside is discussed in more detail below.

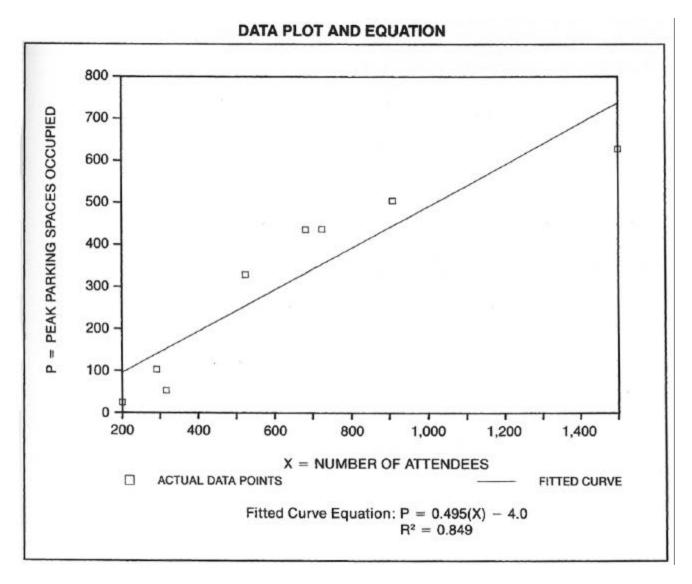
In order to realize the current proposal, the following steps were taken. Staff was approached by the Tualatin Valley Christian Ministries (TVCM), a conglomerate of Tigard Churches, to review and amend the Tigard Development Code (TDC) to allow one space for every four seats in the main sanctuary. As a result of this request, staff began researching the validity of the problem. It was discovered in a survey of other jurisdictional requirements (Exhibit B), that Tigard was in fact stricter than the surrounding jurisdictions when it came to parking. It was also discovered in a literature survey of professional resources that parking requirements for religious institutions varied dramatically across the country. In some instances the ratio was one space for every ten seats in the main sanctuary, and in other cases, the requirement was one space for every two seats in the main sanctuary. There seemed to be no real justification for any one standard. Staff proceeded to continue researching alternatives and solutions that would accommodate the Religious Institutions in Tigard, but those same alternatives and solutions would also have to relieve Tigard neighborhoods of added congestion and conflicts that become a problem during religious activities. As indicated in the previous discussion, citizens value the right to peaceful enjoyment of their neighborhoods almost as much as their right to freedom of religion.

The professional resources, Eno Foundation for Transportation, Inc. and Institute of Traffic Engineers (ITE) both indicate that one space for every two seats is appropriate based on demand, but concede that the actual requirements are highly variable. In describing parking demand, the Eno Foundation states that,

"...parking demand is defined as the accumulation of vehicles parked at a given time as a result of activity at a given site. Demands may reflect maximum accumulations during the average day, peak day of the week, or during the peak season of the year. Irrespective of when they occur, parking accumulations result from interactions between three traffic variables: total daily trips attracted, time pattern of arrivals, and average lengths of stay. To illustrate, two sites with the same land area and floor space may attract equal daily numbers of vehicles, yet their parking accumulations can be quite different. If at one location cars arrive nearly simultaneously and park for an average of eight hours, its parking accumulation could be four times that of the second site, if the second site's vehicle arrivals are spread out evenly over eight hours and the average length of stay is 2 hours. Thus, in determining parking needs, the arrival pattern and length of stay (parking duration) are as important as the total number of daily vehicles attracted."(Pg. 37)

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However, in the case of most religious institutions, peak demand is not met as frequently as most uses. So, staff could concede that at times other than main service times, the requirement of one space for every two seats in the main sanctuary could seem onerous. According to the 2000 Census results, the average household size is 2.48 persons in the City of Tigard. Assuming every household in Tigard attended a religious function in only one car per family, the on site parking ratio would need to be 1 space for every 2.48 seats in the sanctuary to accommodate all parking on site. Staff realizes that every household in Tigard does not attend only one church, but all of the parishioners are not Tigard residents, and we traditionally plan for worst case scenarios. The ITE manual conducted parking studies of religious institutions that show a direct correlation with the requirement of one space for every two seats in the main sanctuary. The results of their studies are illustrated in the following table:



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Religious Institutions are defined as, "places of religious worship which may include related accessory uses such as offices, classrooms, auditoriums, social halls, gymnasiums, and other recreational activities" in the Tigard Development Code. When these ancillary uses become a part of a particular institution, the activities on site increase, and so does the demand for parking. There does not appear to be significant overlap with religious services, so the code does not place any additional requirements for the accessory uses. However, religious institutions are permitted conditionally or outright in every residential and commercial zoning district, and our inability to treat them individually as it relates to parking, undoubtedly creates conflict in those institutions that are located within or close to neighborhoods. As a result, the stricter standard is more appropriately imposed to prevent conflict.

The amendment before the Commission is an attempt to balance the needs of the neighborhoods with the needs of the religious institutions. The proposal was drafted as a result of research, departmental comments, and the cooperation of a parking committee comprised of two representatives from the TVCM, one representative from a neighborhood that recently voiced concerns regarding a Church parking facility, and one Planning Commission member. The proposed changes to the code can be reviewed in **Exhibit "A."** The only change that was not agreed upon by the committee was the change in ratio from 1 space for every 3.3 seats to 1 space for every 3 seats. Staff made this change in light of the census results. Staff observation is that in this day large numbers of single and two person vehicles attend churches. The 1 space for every 4 seat standard may have been more relevant in a time when more families and larger families attended Church together.

In summary, the changes include relaxing the base standard to one space for every three seats, permitting religious institutions to count on-street parking where the street is adjacent to the site, designed, and improved to accommodate on street parking, and allowing shared parking to be accommodated at sites that are up to 500 feet away from the site as opposed to the 300 feet currently in the code. The 500-foot standard would apply to all uses. This amendment came about after staff researched the state Transportation Planning Rule as it relates to the acceptable walking distance for pedestrians. Typically, pedestrians consider a quarter of a mile to be acceptable in pedestrian oriented developments. If an applicant can show that the one space for every three seats can be illustrated in a parking plan utilizing a combination of the above measures, adjustments, and variances, then they would be required to only accommodate parking at one space for every four seats in the main sanctuary on site.

SECTION VI. OTHER ALTERNATIVES

Leave the code as is- The standard would remain at 1 space for every 2 seats in the main sanctuary, no on-street parking could be counted, and shared parking would only occur within 300 feet of the front building line.

Accommodate parking at 1 space for every 4 seats in the main assembly area without any other changes.

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SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

The Tualatin Valley Fire and Rescue Department has had an opportunity to review this proposal and has found that the proposal does not conflict with their interests.

The City of Tigard Engineering Department has had an opportunity to review this proposal and have no objections.

Two Citizen Involvement Team Members responded to the proposal and one indicated that she had concerns with the lack of parking/planning in the Tigard downtown. The other CIT member had no objections.

The City of Tigard Public Works and Operations Department has had an opportunity to review this proposal and have no objections.

The City of Tigard Police Department has had an opportunity to review this proposal and have no objections.

Washington County Department of Land Use and Transportation, DLCD, City of Tigard Building Division, ODOT, Tualatin Valley Water District, Clean Water Services, Tualatin Hills Park and Recreation District, and Metro Land use and Planning Growth Management have all had an opportunity to review this proposal and have offered no comments or objections to the proposed Zone Ordinance Amendment.

ATTACHMENTS

Exhibit A – Community Development Code Chapter 18.765, Table 18.765.2 Exhibit B – Jurisdictional Survey Results

PREPARED BY: Brad Kilby Associate Planner	January 23, 2002 DATE
	January 23, 2002
APPROVED BY: Richard Bewersdorff	DATE

ZOA2001-00003

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Planning Manager

EXHIBIT A

Religious Institution Parking Amendment Proposals

18.765.030 General Provisions

- B. <u>Location of vehicle parking.</u> The location of off-street parking will be as follows:
 - Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwelling(s);
 - 2. Off-street parking lots for uses not listed above shall be located not further than 200-500 feet from the building or useproperty line that they are required to serve, measured in a straight linealong the most direct, publicly accessible pedestrian route from the building-property line with the following exceptions:
 - a. Commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 300-500 feet from the primary site;
 - b. The 40 parking spaces which remain on the primary site must be available for users in the following order of priority:
 - Disabled-accessible spaces;
 - 2) Short-term spaces;
 - 3) Long-term preferential carpool and vanpool spaces;
 - 4) Long-term spaces.
- C. <u>Joint parking.</u> Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlay, subject to the following:
 - The size of the joint parking facility shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per Section 18.765.070;
 - 2. Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases or contracts to establish the joint use;

3. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title thereafter apply to each separately.

18.765.070 Minimum and Maximum Off-Street Parking Requirements

- D. <u>Exclusions to minimum vehicle parking requirements.</u> The following shall not be counted towards the computation of the minimum parking spaces as required in Section 18.765.070H:
 - 1. 1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement; except; Religious Institutions may count on-street parking around the perimeter of the use provided that the following criteria have been satisfied:
 - a) The on-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way.
 - b) The street where on-street parking is proposed is not located on local residential classified streets.

Table 18.765.2 Minimum and Maximum Required Off-street Vehicle and Bicycle Parking Requirements

Religious Institutions	1.0/2-3 [6] seats in main assembly area
	(M)

Religious Institutions may provide 1 space for every four seats on site in the main assembly area provided that they supply the City with a parking plan that demonstrates that the peak parking demand of 1 space for every 3 seats is met utilizing any combination of the alternatives and adjustments mentioned in this chapter.

EXHIBIT B

The following survey was conducted in the last week of September, 2001. It is a representation of the answers received from jurisdictions that responded to e-mail and telephone inquiries, as well as, information gathered from online resources. The City of Tigard currently requires a minimum of one parking space for every two seats in the main assembly area.

City of Gresham - requires a minimum of .3 spaces for every seat or 1 space for every six lineal feet of bench seating within the main sanctuary. The City of Gresham also recognizes a maximum of .6 spaces for every 1 seat or 1 space for every 4.5 lineal feet of bench seating within the main sanctuary.

City of Tualatin - requires a minimum of 1 space per 4 seats or 1 space for every eight feet of bench length.

City of Hillsboro - requires a minimum of .25 spaces per seat.

City of Portland - requires a minimum of 1 space for every 100 square feet within the main assembly area under one standard, and 1 space for every 67 square feet of main assembly areas in another standard. Standards are determined by the underlying zone.

City of Beaverton - requires a minimum of .25 spaces for every 1 seat.



MEMORANDUM

TO: City Council and Planning Commission

FROM: Brad Kilby, Associate Planner

DATE: February 28, 2002

SUBJECT: Follow-up for Religious Institution Parking Requirements

In response to the question posed by the Planning Commission as to what Washington County requires for Religious Institutions, Washington County requires 1 space for every 2 seats in the main sanctuary.

The proposal before the City Council would relax the parking standard for development within the Tigard city limits, but not for development within the "Urban Service Area."

AGENDA ITEM #	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Streets)	Formation of Sanitary Sewer I	Reimbursement District No. 21 (SW	Errol and Fonner
PREPARED BY: G. Berry	DEPT HEAD OK	CITY MGR OK	
	ISSUE BEFORE TH	HE COUNCIL	
Formation of a sewer reimburs Sewer Extension Program.	ement district to construct a sa	nitary sewer project as part of the N	eighborhood
	STAFF RECOMM	ENDATION	
Approval of the attached Reso	olution forming the Reimburse	ement District.	

INFORMATION SUMMARY

The proposed project would provide sewer service to forty-one lots along SW Errol and Fonner Streets. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

The amount owners are required to reimburse the City is limited by the City's Neighborhood Sewer Reimbursement District Incentive Program (Resolution No. 01-46). Under the program, each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction. In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Proposed Resolution
Vicinity Map
Exhibit A, City Engineer's Report with map of 11255 SW 112th and table of estimated costs
Exhibit B, Map and list of owners
Notice to Owners
Resolution No. 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds. $\ \, \text{i'citywide} \ \, \text{sum'reim-21 (errol\&fonner) formation.doc}$

CITY OF TIGARD, OREGON

RESOLU	JTION NO.	02-

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 21 (ERROL AND FONNER STREETS)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, on July 10, 2001, the City Council established the Neighborhood Sewer Reimbursement District Incentive Program (Resolution No. 01-46) to encourage owners to promptly connect to sewers once service is available; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 21", attached hereto as Exhibit A, is hereby approved.
- SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 21."
- SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4 The amount owners are required to reimburse the City is limited by the City's Neighborhood Sewer Reimbursement District Incentive Program (Resolution No. 01-46). Under the program, each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction.

SECTION 5	An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
SECTION 6	The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
EFFECTIVE DA	ΤΕ: This resolution shall be effective immediately.
PASSED:	This day of 2002.
ATTEST:	Mayor - City of Tigard
City Recorder - C	ity of Tigard

Exhibit A

City Engineer's Report Sanitary Sewer Reimbursement District No. 21

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

The project includes the extension of two lines as shown on Exhibit Map B. The first is an extension from a line in Tiedeman Street constructed by Reimbursement District No. 14. The line will be extended west to the terminus of Errol Street serving twenty-nine lots. An existing sanitary sewer line located in SW Pathfinder Way south of the proposed district serves the remaining twelve lots along the north side of Fonner Street.

Cost

The estimated cost for the sanitary sewer construction is \$295,160. Engineering and inspection fees amount to \$39,850 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$335,010. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner, except for the owner providing the easement, will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in size from about twelve thousand to about fifty-six thousand square feet as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided proportional to the square footage of each property among the forty-one properties included in the reimbursement district as shown on the attached table. Resolution 01-46 limits this fee to \$6,000 to the extent that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

It is recommended that only a portion of the area of the lot at 12555 SW 112th Avenue be applied in determining that owner's share of the public sewer line. This lot has a total area of about one hundred eight thousand square feet. However, because of a creek that crosses the lot, the sewer can not serve the portion of the lot on the opposite side of the creek as shown on the attached map. Development standards also prohibit development within fifty feet of the creek. Consequently, it is recommended that the fair share be based the remaining 55,910 square feet that may be served as shown on the attached map.

Other reimbursement methods include dividing the cost equally among the owners or proportional to the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.40 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years

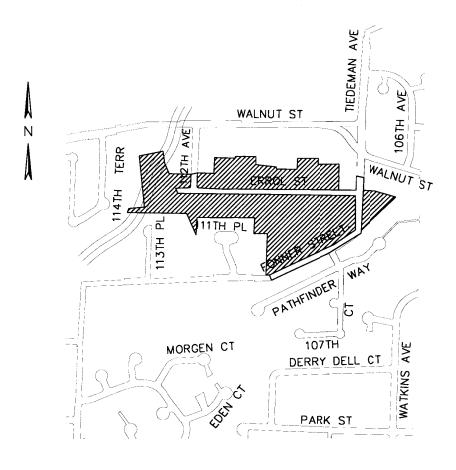
after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted February 25, 2002

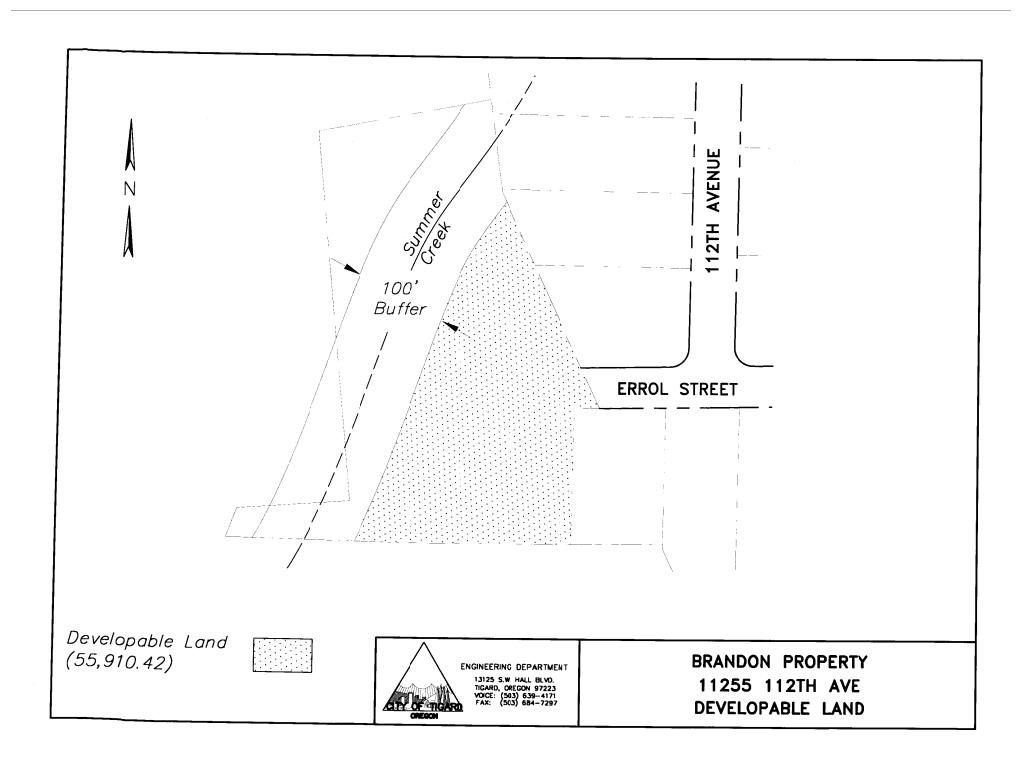
Agustin P. Duenas PE City Engineer

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ERROL STREET & FONNER STREET SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #21



VICINITY MAP

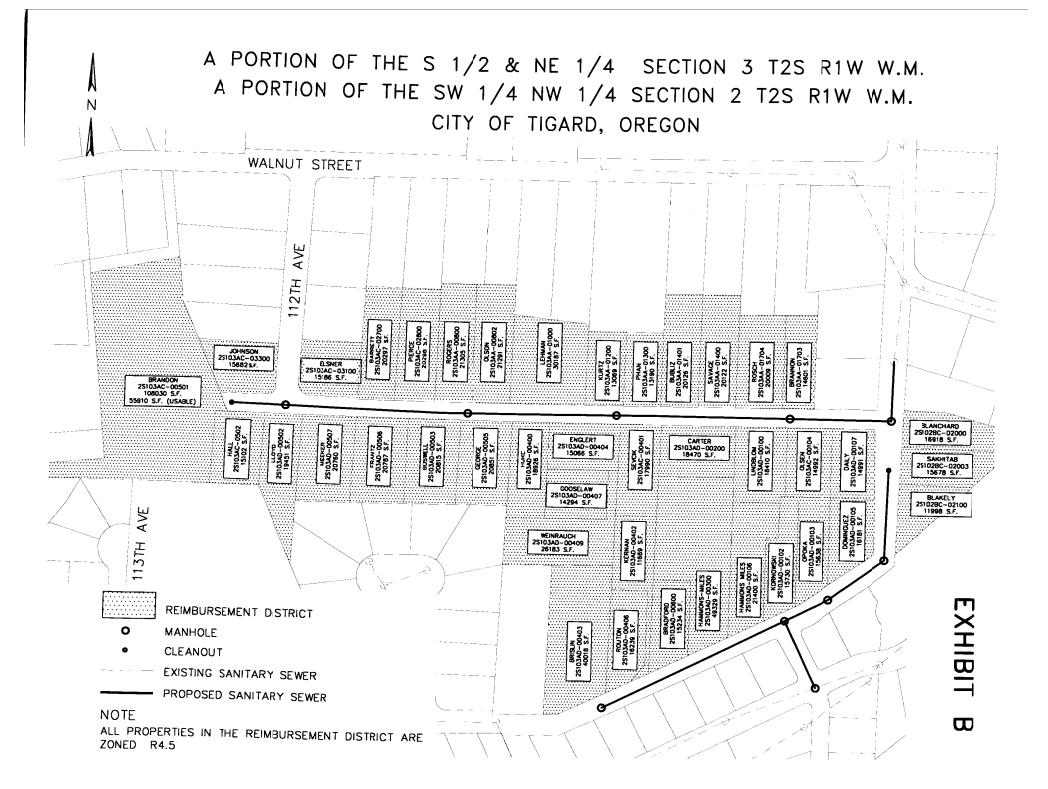


Reimbursement District #21

Estimated Cost to Property Owners

	OWNER	TAX LOT	ADDRESS	AREA (AC)	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER
1	BRANDON	2S103AC-00501	11255 112th Ave	2.48/ 1.2 usable	55,910.42	\$22,577
2	JOHNSON	2S103AC-03300	12525 112th Ave	0.36	15,764.81	\$6,366
3	ELSNER	2S103AC-03100	12520 Errol St	0.35	15,186.14	\$6,132
4	BARRETT	2S103AC-02700	11105 Errol St	0.47	20,297.05	\$8,196
5	PIERCE	2S103AC-02800	11075 Errol St	0.47	20,297.73	\$8,196
6	ROGERS	2S103AA-00800	11045 Errol St	0.49	21,305.27	\$8,603
7	OLSON	2S103AA-00802	11015 Errol St	0.49	21,291.34	\$8,598
8	LEHMAN	2S103AA-01000	10965 Errol St	0.69	30,186.93	\$12,190
9	KURTZ	2S103AA-01200	10915 Errol St	0.30	13,191.98	\$5,327
10	PHAN	2S103AA-01300	10885 Errol St	0.30	13,189.91	\$5,326
11	BUBLITZ	2S103AA-01401	10855 Errol St (A&B)	0.46	20,126.42	\$8,127
12	SAVAGE	2S103AA-01400	10825 Errol St	0.46	20,122.32	\$8,126
	ROSCH	2S103AA-01704	10775 Errol St	0.46	20,008.67	\$8,080
	BRANNON	2S103AA-01703	10765 Errol St	0.34	14,600.82	\$5,896
	BLANCHARD	2S102BC-02000	10690 Fonner St	0.39	16,917.55	\$6,831
16	SAKHITAB	2S102BC-02003	10700 Fonner St	0.36	15,678.36	\$6,331
17	BLAKELY	2S102BC-02100	10720 Fonner St	0.28	11,997.87	\$4,845
	HALL	2S103AC-00502	11220 Errol St	0.35	15,101.71	\$6,098
	LLOYD	2S103AD-00502	12570 112th Ave	0.45	19,450.51	\$7,854
	MEEKER	2S103AD-00507	11180 Errol St	0.48	20,759.27	\$8,383
	FRANTZ	2S103AD-00506	11110 Errol St	0.48	20,787.37	\$8,394
	BOSWELL	2S103AD-00503	11070 Errol St	0.48	20,815.46	\$8,406
	GEORGE	2S103AD-00505	11020 Errol St	0.48	20,850.65	\$8,420
	HUKE	2S103AD-00400	10980 Errol St	0.43	18,926.46	\$7,643
	ENGLERT	2S103AD-00404	10960 Errol St	0.35	15,065.97	\$6,084
	GOOSELAW	2S103AD-00407	10940 Errol St	0.33	14,293.84	\$5,772
	WEINRAUCH	2S103AD-00409	10920 Errol St	0.60	26,183.24	\$10,573
	SEVCIK	2S103AD-00401	10880 Errol St	0.41	17,990.44	\$7,265
	CARTER	2S103AD-00200	10840 Errol St	0.42	18,470.03	\$7,458
	LINDBLOM	2S103AD-00100	10780 Errol St	0.42	18,410.56	\$7,434
	OLSEN	2S103AD-00104	10540 Errol St	0.34	14,992.22	\$6,054
	DAILY	2S103AD-00107	10705 Fonner St	0.34	14,990.85	\$6,053
	DOMINGUEZ	2S103AD-00105	10725 Fonner St	0.37	16,181.08	\$6,534
	OPOKA	2S103AD-00103	10765 Fonner St	0.36	15,638.30	\$6,315
	KORNOWSKI	2S103AD-00102	10805 Fonner St	0.36	15,729.52	\$6,352
	HAMMONS-MILES	2S103AD-00106	10825 Fonner St	0.49	21,399.69	\$8,641
	HAMMONS-MILES	2S103AD-00300	10825 Fonner St (vacant)	1.13	49,328.64	\$19,919
	BRADFORD	2S103AD-00600	10855 Fonner St	0.35	15,233.93	\$6,152
	KERNAN	2S103AD-00402	10905 Fonner St	0.38	16,669.00	\$6,731
	ROUTON	2S103AD-00406	10915 Fonner St	0.37	16,239.25	\$6,558
	BRISLIN	2S103AD-00403	10935 Fonner St	0.92	40,017.77	\$16,160

Totals 17.76 829,599.36 \$335,001.29



NOTICE Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**AT A MEETING ON **TUESDAY, March 12, 2002 AT 7:30 PM**IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 21. (SW Errol and Fonner Street)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Errol and Fonner Street.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by Section 13.09.060 of the Tigard Municipal Code.

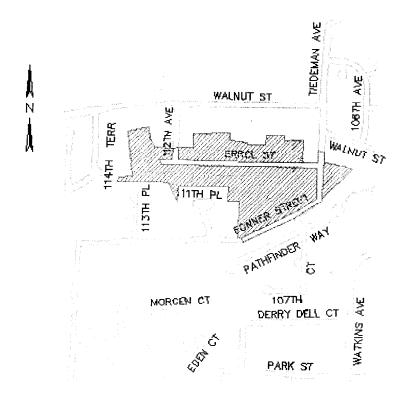
Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 639-4171 extension 373 or at www.ci.tigard.or.us.

Proposed Sanitary Sewer Reimbursement District No. 21 (SW Errol and Fonner Streets)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fcc until connection is made. Each property owner's estimated fair share of the public sewer line is based on the area of the lot served and is summarized in the attached table. (Only a portion of the lot at 11255 SW 112th Avenue may be served by the sewer so only that portion was used to determine that owner's share of the cost.) This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000.

The owner would also be required to pay a connection fee of \$2,335.00 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.



CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within three years after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by two years from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

SECTION 4:

The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5:

Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6:

The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED:

This 10 th day of fully 2001

ATTEST:

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8.000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

^{*}Currently being constructed

AGENDA ITEM #	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 22 (SW Howard Drive)
PREPARED BY: G. Berry DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.
STAFF RECOMMENDATION
Approval of the attached Resolution forming the Reimbursement District.
<u>INFORMATION SUMMARY</u>
The proposed project would provide sewer service to thirty-five lots along SW Howard Drive. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.
If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.
Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.
OTHER ALTERNATIVES CONSIDERED
None.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Vicinity Map Exhibit A, City Engineer's Report Exhibit B, Map and list of owners Notice to Owners Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

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CITY OF TIGARD, OREGON

RESOLUTION NO. 02-

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 22 (HOWARD DRIVE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 22", attached hereto as Exhibit A, is hereby approved.

SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 22."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5	The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
EFFECTIVE DAT	TE: This resolution shall be effective immediately.
PASSED:	This day of 2002.
	Mayor - City of Tigard
ATTEST:	
City Recorder - Ci	ty of Tigard

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Exhibit A

City Engineer's Report Sanitary Sewer Reimbursement District No. 22 (Howard Drive)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Existing sanitary sewer lines are located in SW Fonner Street and 121st Avenue as shown on Exhibit Map B. The line from Fonner Street would be extended south through a proposed easement then continue along Howard Drive and James Court serving thirty-three lots. The two remaining lots on Howard Drive would be served from a line extended from SW 121st Avenue. The three lots between 13470 and 13350 Howard Drive are currently served by a line from Terrace Trails Drive and are not included in the proposed district.

Cost

The estimated cost for the sanitary sewer construction is \$201,220. The proposed easement is expected to cost about \$5,000. Engineering and inspection fees amount to \$27,840 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$234,060. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner, except for the owner providing the easement, will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the thirty-five properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$6,690. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

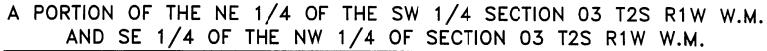
Recommendation

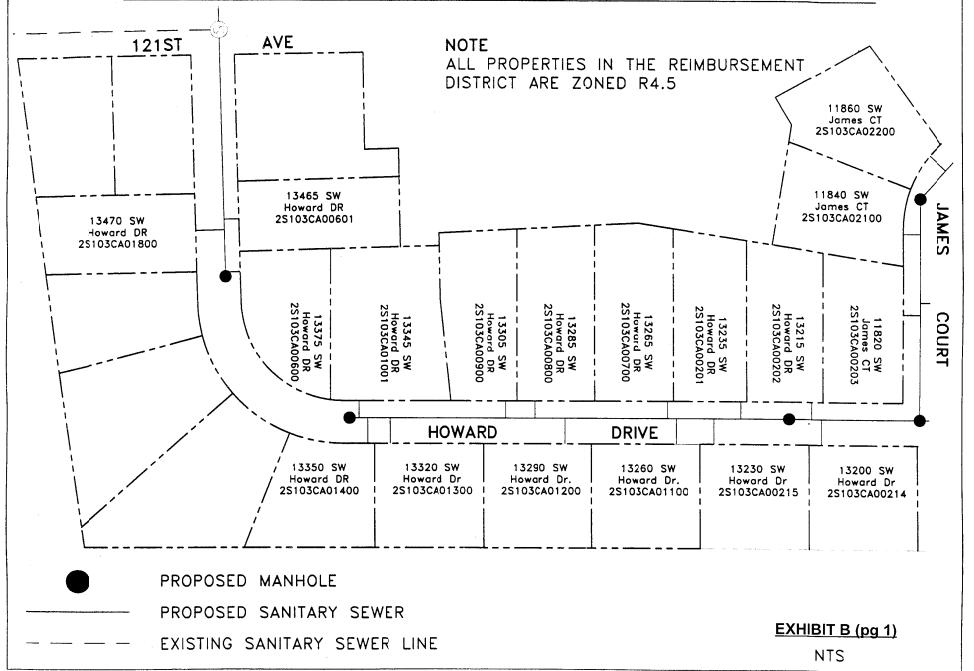
It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

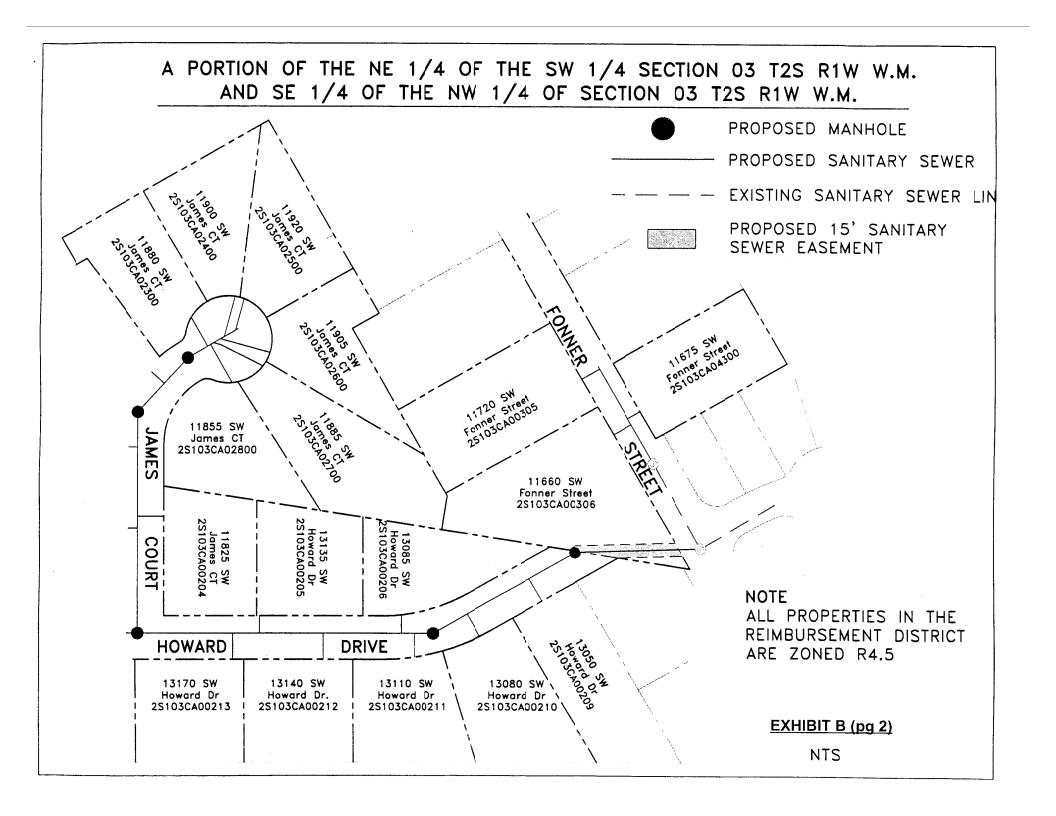
Submitted	, 2002	

Agustin P. Duenas, PE

City Engineer i:\citywide\res\reim-22(howard) formation ex a.doc

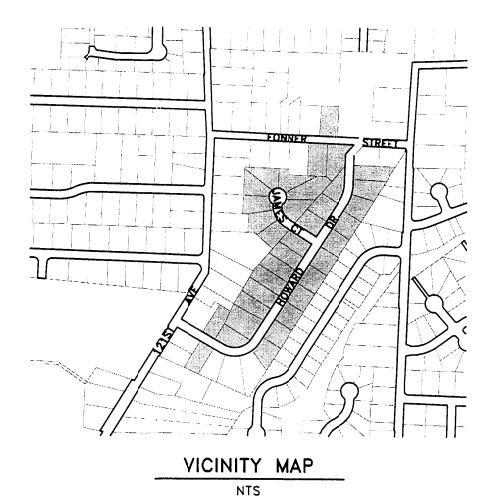






HOWARD DRIVE SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #22

LEGAL DESCRIPTION:		
TAX LOT	2S103CA00201	
TAX LOT	2S103CA00202	
TAX LOT	2S103CA00203	
TAX LOT	2S103CA00204	
TAX LOT	2S103CA00205	
TAX LOT	2S103CA00206	
TAX LOT	2S103CA00209	
TAX LOT	2S103CA00210	
TAX LOT	2S103CA00211	
TAX LOT	2S103CA00212	
TAX LOT	2S103CA00213	
TAX LOT	2S103CA00214	
TAX LOT	2S103CA00215	
TAX LOT	2S103CA01300	
TAX LOT	2S103CA00305	
TAX LOT	2S103CA00306	
TAX LOT	2S103CA00600	
TAX LOT	2S103CA00601	
TAX LOT	2S103CA00700	
TAX LOT	2S103CA00800	
TAX LOT	2S103CA00900	
TAX LOT	2S103CA01001	
TAX LOT	2S103CA01100	
TAX LOT	2S103CA01200	
TAX LOT	2S103CA01400	
TAX LOT	2S103CA01800	
TAX LOT	2S103CA02100	
TAX LOT	2S103CA02200	
TAX LOT	2S103CA02300	
TAX LOT	2S103CA02400	
TAX LOT	2S103CA02500	
TAX LOT	2S103CA02600	
TAX LOT	2S103CA02700	
TAX LOT	2S103CA02800	
TAX LOT	2S103CA04300	





CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within three years after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by two years from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

SECTION 4:

The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5:

Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6:

The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED:

This 10 th day of fully 2001

ATTEST:

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
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WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

^{*}Currently being constructed

NOTICE Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**AT A MEETING ON **TUESDAY, March 12, 2002 AT 7:30 PM**IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 22. (SW Howard Street)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Howard Street.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 639-4171 extension 373 or at //www.ci.tigard.or.us/.

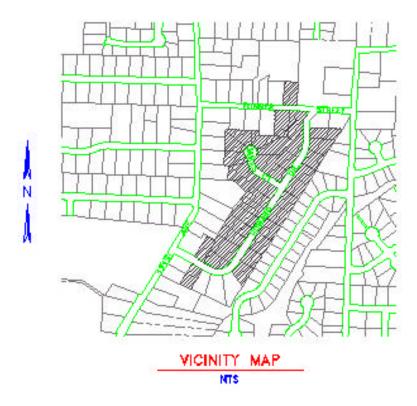
Proposed Sanitary Sewer Reimbursement District No. 22 (SW Howard Street)

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The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46.

The owner would also be required to pay a connection fee of \$2,335.00 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

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TaxID	Owner	Address	City	State	ZipCode
2S103CA00306	NORSWORTHY HOLLY	11660 SW FONNER ST	TIGARD	OR	97223
2S103BD04300	BALDWIN JAMES RONALD JR	11675 SW FONNER ST	TIGARD	OR	97223
2S103CA00305	KIRK P CAUDILL	11720 SW FONNER ST	TIGARD	OR	97223
2S103CA00203	MODE DEBRA KAY	11820 SW JAMES CT	TIGARD	OR	97223
2S103CA00204	SWAYNE DOUGLAS H &	11825 SW JAMES CT	TIGARD	OR	97223
2S103CA02100	GEIL WILLIAM M	11840 SW JAMES CT	TIGARD	OR	97223
2S103CA02800	AVOLIO MARGARET E	11855 SW JAMES CT	TIGARD	OR	97223
2S103CA02200	MCMULLIN EDWIN R & PHYLLIS M	11860 SW JAMES CT	TIGARD	OR	97223
2S103CA02300	SVERID RICHARD	11880 SW JAMES CT	TIGARD	OR	97223
2S103CA02700	LEWIS EUGENE R TRUST &	11885 SW JAMES CT	TIGARD	OR	97223
2S103CA02400	SCHUN KARL E ELLEN	11900 SW JAMES ST	TIGARD	OR	97223
2S103CA02600	STINSON JAMES C AND CHRIS	11905 SW JAMES CT	TIGARD	OR	97224
2S103CA02500	FOGO JAMES E AND	11920 SW JAMES CT	TIGARD	OR	97223
2S103CA00209	HOLMES JOAN M	13050 SW HOWARD DR	TIGARD	OR	97223
2S103CA00210	HOLMES JOAN M	13080 SW HOWARD DR	TIGARD	OR	97223
2S103CA00206	FOSTER EUGENE P & VANESSA K	13085 SW HOWARD DR	TIGARD	OR	97223
2S103CA00211	BRIGGS STEPHEN W & ELLA F	13110 SW HOWARD DR	TIGARD	OR	97224
2S103CA00205	ARELLANO SALVADOR A & MARIA E	13135 SW HOWARD DR	TIGARD	OR	97223
2S103CA00212	CALLAWAY CAROL W	13140 SW HOWARD DR	TIGARD	OR	97223
2S103CA00213	WILLIS RICK W & KELLY A	13170 SW HOWARD DR	TIGARD	OR	97223
2S103CA00214	NIEMEYER ROBERT H III &	13200 SW HOWARD DR	TIGARD	OR	97223
2S103CA00202	HUNTER GEORGE JR & VICKIE LYNN	13215 SW HOWARD DR	TIGARD	OR	97223
2S103CA00215	HOYT MILDRED L	13230 SW HOWARD DR	TIGARD	OR	97223
2S103CA00201	MCGOFFIN JAMES L & G M	13235 SW HOWARD DR	TIGARD	OR	97223
2S103CA01100	JORDAN MICHAEL P & JENNIFER A	13260 SW HOWARD DR	TIGARD	OR	97223
2S103CA00700	ROSE DAVID R & CHRISTIE A	13265 SW HOWARD ST	TIGARD	OR	97223
2S103CA00800	SPANGLER JAMES P & KAREN L	13285 SW HOWARD DR	TIGARD	OR	97223
2S103CA01200	TEDDER JAMES O	13290 SW HOWARD DR	TIGARD	OR	97223
2S103CA00900	OTTERSON JACK W/ESTHER M	13305 SW HOWARD DR	TIGARD	OR	97223
2S103CA01300	PURKEY MICHAEL R &	13320 SW HOWARD DR	TIGARD	OR	97223
2S103CA01001	CALLAWAY KEVIN JOHN & LORI F	13345 SW HOWARD DR	TIGARD	OR	97223
2S103CA01400	NGUYEN BICH LIEN THI	13350 SW HOWARD DR	TIGARD	OR	97223
2S103CA00600	MAY WILLIAM A	13375 SW HOWARD DR	TIGARD	OR	97223
2S103CA00601	WEEKS JACK A ELIZABETH E	13465 SW HOWARD DR	TIGARD	OR	97223
2S103CA01800	TUCKER ANTHONY K AND	13470 SW HOWARD DR	TIGARD	OR	97223

AGENDA ITEM #				
FOR AGENDA OF	March 12, 2002			

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update to Council on Cook Park Master Plan Expansion Phase II
PREPARED BY: John Roy DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
This is an informational update. No Council action is requested.
STAFF RECOMMENDATION
N/A
DECOMATION OF BANDY

INFORMATION SUMMARY

The purpose of this agenda item is to update Council on the current status of the Cook Park Master Plan Expansion. Phase I construction was completed in November of 2001. Included in Phase I construction were:

- 85th Avenue emergency access road
- Wetland viewing gazebo
- Infrastructure
- Parking lot with landscaping and irrigation
- Butterfly garden
- Sports field grading and irrigation.

The budget for Phase I construction was \$771,764.00 with the actual construction cost being \$715,494.00. The project came in \$56,270.00 under budget. Due to staff obtaining funding for the park project through a \$250,000.00 grant from Oregon Recreation and Park Association and a low interest loan in the amount of \$2,300,000.00 from the Oregon Economic and Community Development Department, Phase III construction originally scheduled for FY2003-2004 has been incorporated into Phase II. This will allow for completion of the Master Plan Expansion in the fall of 2002, one year ahead of the original schedule.

Phase II construction will consist of the following components with the engineer's estimate with an estimated cost of \$1,500,876,.000:

- Picnic shelter (\$103,098)
- Tot-lot playground (\$88,320)
- Maintenance building (\$160,000)
- Parking lot (\$144,620)
- Restroom building (\$396,750)
- Restroom/concession building (\$440,709)
- Regional soft trail (\$94,320).

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

City Council Goal #4 and Visioning Goal (5) – Continue to implement the City Park Master Plan

ATTACHMENT LIST

• Power Point Presentation – Cook Park Master Plan Expansion Update

FISCAL NOTES

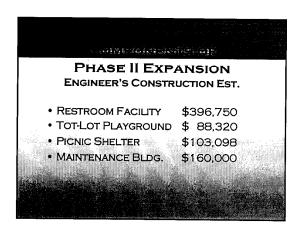
The engineer's estimate for construction of Phase II is \$1,500,876.00. Funding for this project is available as a result of having a remaining balance of \$56,272 from the Park CIP budget for Phase I construction for this fiscal year, in addition to the \$250,000 ORPA block grant and the \$2,300,000 loan from the Oregon Economic and Community Development Department.

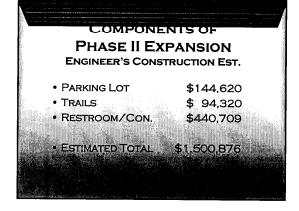


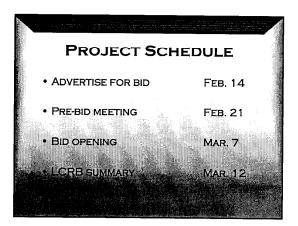
PHASE ONE COMPLETION REPORT

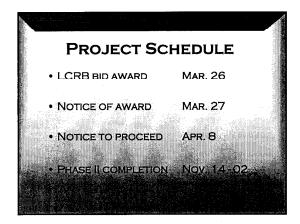
- BUTTERFLY GARDEN
- WETLAND VIEWING GAZEBO
- 85TH AVE. EMERGENCY ROAD
- Parking Lot (237) W/ Landscaping AND IRRIGATION
- INFRASTRUCTURE
- · SPORTS FIELD GRADING / IRRIGATION

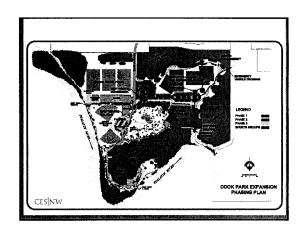
FINANCIAL ACCOUNTING ORIGINAL P.O. \$635,553 CHANGE ORDERS \$79,939 COST OF PHASE I CONSTRUCTION \$715,492 BUDGET FOR PHASE I CONSTRUCTION \$771,764 AMT. UNDER BUDGET \$56,272











AGENDA ITEM#	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discussion of Options to Pay Additional City Costs for the 69 th Avenue LID
PREPARED BY: Craig Prosser, Gus Duenas DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Identify a preferred option to pay for additional City costs associated with the 69 th Ave. LID.
STAFF RECOMMENDATION
Option #3; pay from the State Gas Tax Fund with an interim loan from the General Fund
<u>INFORMATION SUMMARY</u>
At the February 12, 2002 public hearing on the final assessments for the 69 th Avenue LID, the Council tentatively decided to increase the City's participation in the right-of-way acquisition costs and make certain adjustments in the final assessments for two residential property owners. The final decision would be made after Council reviews the impact of the additional funding participation on the City's financial projections and programs. The attached memo provides information on the effects of the funding participation on the City's programs and financial condition, presents three options to pay for these additional costs, and recommends a course of action for Council approval.
This agenda item identifies the impact of the increase in the City's financial participation and presents the funding options to the Council for their review and discussion. It is anticipated that Council would reach a final decision on City participation and provide direction to staff on the preferred funding option so that staff can prepare the final ordinance spreading the assessments and closing the LID. That final ordinance is tentatively scheduled to be heard by Council at the next business meeting, March 26, 2002.
OTHER ALTERNATIVES CONSIDERED
Three options are presented in the attached memo.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
NA
ATTACHMENT LIST

February 26, 2002 memo from Gus Duenas and Craig Prosser

FISCAL NOTES

The cost to the City is \$292,861 plus the need to provide cash flow financing in the amount of \$105,000 pending collection of the Pierce debt owed to the City.

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MEMORANDUM



TO: Mayor and Council Members

FROM: Gus Duenas, City Engineer

Craig Prosser, Finance Director

RE: 69th Avenue LID Financing

DATE: February 26, 2002

At the February 12, 2002 public hearing on the final assessments for the 69th Avenue LID, the Council tentatively decided to increase the City's participation in the right-of-way acquisition costs and make certain adjustments in the final assessments for two property owners. The final decision would be made after Council reviews the impact of the additional funding participation on the City's financial projections and programs. This memorandum provides information on the effects of the funding participation on the City's programs and financial condition.

DeHaas & Associates, the consulting engineers on the project, have revised how the project costs would be distributed based on their understanding of the Council's intent. A detailed analysis of the changes are outlined in a letter from Marlin J. DeHaas, dated February 14, 2002. A summary of the changes, along with a brief explanation of each one, is listed below:

1.	City participation in additional right-of-way acquisition costs The City originally committed to support a portion of the right-of-way acquisition costs (\$200,000, see below). Acquisition costs were higher than anticipated. This adjustment keeps the City's commitment at the same proportional level as it was when the project was first developed.	\$ 60,657	7
2.	Opdal (Snyder) property assessment reduction	\$ 14,437	7
	This is a residential property which received an apportioned share of the total cost of the project. Council has expressed an interest in offsetting this assessment.		
3.	Jones property assessment reduction This is a residential property which received an apportioned share of the total cost of the project. Council has expressed an interest in offsetting this	\$ <u>17,767</u>	<u>7</u>
	assessment. Subtotal	\$ 92.86	1

4. Original estimate for City participation in right-of-way acquisition costs When the 69th Ave. LID project was originally proposed, the City offered to contribute \$200,000 to the project, but never identified the source of these funds. This amount has not appeared in any City Financial Plan or Capital Improvement Plan. It needs to be included at this time.

\$<u>200,000</u>

Total Funding Needed

\$292,861

\$105.000

5. Pierce property recovery

Mr. Stephen Pierce disputed the price that the City was willing to pay for property the City needed to acquire from him for the 69th Ave. project. This dispute went to court, and the court required the City to pay Mr. Pierce \$330,000 pending the settlement of this dispute. The dispute was settled in the City's favor and Mr. Pierce was ordered by the Court to refund \$105,000 to the City. Mr. Pierce is now declining to do so, claiming financial hardship. The City has started collection efforts, and expects to recover the full amount, plus interest, but this recovery may take time. The City now needs to fund this debt on an interim basis to avoid cash flow problems with the 69th Ave. LID project.

The following options are available to the City to pay the additional costs identified above:

Option 1 - Finance City Participation with General Funds

The City's Long Term Financial Plan was updated in December, 2001. The Plan forecasts operating fund revenues and expenditures over a five year period. The current Plan shows that General Fund revenues are projected to grow over the five year period from \$15.6 million in FY 2002-03 to \$18.2 million in FY 2006-07, or about 16.7%. During the same period, however, operating expenditures are projected to grow from \$15.0 million to \$19.9 million, or about 32.7%. This trend is contributing to a drawdown of the General Fund balance and the forecast now shows the General Fund would be in a negative position by the end of FY 2004-05 in the amount of approximately \$90,000. Using General Funds to finance the City's participation in the LID project would cause this negative fund position to occur earlier in FY 2004-05. The City has not used General Fund for street projects in recent years.

Option 2 - Finance City Participation Using State/County Gas Tax Funds

The City receives a share of the State Gas Tax and the County Gas Tax. These funds are used for construction, reconstruction, improvement, repair, maintenance, operation and use of public roads and streets. These taxes have not kept pace with capital needs, with the result that the State Gas Tax Fund is projected to be close to a deficit situation by the end of FY 2002-03 with a projected negative ending fund balance of \$46,901 (assuming current CIP plans). This assumes that the City's share of gas tax revenues does not fall below current levels and that there is not substantial growth in the existing street maintenance and capital program. However, City staff has shown that the capital and operating fund needs far exceed current or projected revenues.

The revenue from the City's share of the County Gas Tax is projected to average approximately \$193,000 per year over the next five years. This fund is projected to be in a negative position by the end of FY 2005-06.

To fund the City's participation using gas tax revenues would require a significant reduction in the existing capital program and potentially impact the operating budget for the street maintenance program as well. The projects that could be immediately impacted are:

- Pavement overlays of North Dakota Street (115th to 121st), Johnson Street (Grant Avenue to 99W), School Street and Rose Vista Drive (\$150,000)
- 72nd Avenue Rail Crossing Repairs and Approaches south of Kable Lane Joint project with Portland Western (\$30,000)
- Traffic Calming Program (\$15,000)

Option 3 - Finance City Participation and the Pierce Debt Cash Flow Using a Loan from the General Fund

This option would require the General Fund to loan the State Gas Fund the funding needed in the amount of \$397,861 (including the Pierce debt cash flow) with a designated pay back period and interest rate. The Pierce debt would then by assigned to the State Gas Tax Fund and all collections from the Pierces would be deposited in that fund. This option would meet the immediate need for the cash flow and funding of any level of City participation but would obligate future gas tax funds to repay the loan to the General Fund. This option would maintain the nexus between gas tax funds and street and road projects and avoid the direct use of General Fund dollars, which are traditionally appropriated for funding of police, library, and other general government purposes. Under Local Budget law, interfund loans may only be made for periods of one year. Since the repayment of this loan would need to occur over several years, the loan would have to be renewed each year until final pay-off.

This option would still require, at minimum, reducing current and future capital projects in order for the State Gas Tax Fund to repay the principal and interest payments required over the life of the loan.

The capital projects that could be affected include:

 The Pavement Major Maintenance Program to provide corrective and preventative maintenance on the City streets. The City currently has a \$2.0 million dollar backlog of corrective and preventative maintenance projects. Reduction of the already limited gas tax funding each year would severely curtail the ability to keep the City's street infrastructure adequately maintained. (\$150,000 to \$200,000 annually)

- Mapleleaf Street construction widening and paving of an existing gravel road to provide a connection from 71st to 72nd Avenue. (\$65,000)
- North Dakota Street reconstruction (Greenburg Road to 95th Avenue). (\$120,000)
- 98th Avenue widening (Greenburg road to Pihas Court). (\$220,000)
- Walnut Terrace (69th to 65th Avenue) (\$60,000)
- Commercial Street (95th Avenue to Main Street) Widening on one side to provide a sidewalk connection to Main Street. (\$75,000)
- Additional embedded crosswalk lighting system installations. (\$30,000 to \$45,000 for each location)
- Traffic calming projects Citywide. (\$15,000 to \$25,000 annually)

Recommendation

If the Council does decide to confirm the tentative decision made at the February 12th meeting, then staff would recommend that Option 3 be used to fund any level of City participation. The recommended payback period would be at maximum five years with the interest rate tied to the average return on the investment pool that the City is currently receiving. Any level of participation, however, will still require reducing planned capital projects as outlined in the Capital Improvement Program (CIP).

AGENDA ITEM #	
FOR AGENDA OF	March 12, 2002

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider Approval of an Ordinance Amending Chapter 10.28 of the Tigard Municipal Code
PREPARED BY: G. Berry DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Consider the proposed ordinance amending Chapter 10.28, Parking, of the Tigard Municipal Code (TMC).
STAFF RECOMMENDATION
Approval of the proposed ordinance.
<u>INFORMATION SUMMARY</u>
Chapter 10.28 of the TMC regulates parking and sets out the parking prohibitions throughout the City. (In addition, Section 10.32.026 authorizes the City Engineer to designate areas, not exceeding one hundred feet in length, where parking is prohibited). The proposed revisions to Chapter 10.28 update the ordinance to reflect changes to streets (e.g., street widening) and include revisions to, or elimination of, portions of the ordinance that are no longer applicable. The proposed revisions are summarized in Appendix A.
OTHER ALTERNATIVES CONSIDERED
None.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
Not applicable.
ATTACHMENT LIST
Proposed Ordinance- Chapter 10.28 with amendments Appendix A- Summary of proposed revisions
FISCAL NOTES
Not applicable.



MEMORANDUM CITY OF TIGARD

13125 SW Hall Blvd. Tigard, OR 97223 Phone 503-639-4171 Fax: 503-624-0752

TO: Mayor and City Councilors

Bill Monahan, City Manager

FROM: Gus Duenas

City Engineer

DATE: March 4, 2002

SUBJECT: Proposed Amendments to Tigard Municipal Code (TMC) Chapter 10.28 (Parking)

Several of the proposed revisions are along streets that were once of insufficient width to accommodate parking. The following streets have been improved in some segments with full-width pavement that provides for parking:

- South side of Main Street from Burnham Street to 50 feet north
- North side of Burnham Street from Main Street to 15 feet from Main Street right-of-way
- SW 69th Avenue From Hwy 99W south to the end of the street

Since these streets now have full-width pavement at certain locations, parking is currently possible and removal of the prohibitions from the Code is proposed.

Currently, the Code provides for a small parking area along Walnut Street between Pacific Highway and Tiedeman Street where parking is otherwise prohibited. Because of pavement widening, this area is no longer available for parking. Consequently, removal of this portion of the Code permitting parking is proposed.

Three of the proposed revisions are to eliminate parking restrictions on streets that no longer exist. One such restriction is Pine Street at Main Street. The remaining two restrictions are along Villa Ridge Street, which was demolished and included into Pacific Highway improvements.

Three other restrictions are proposed for elimination because they have been superseded by more restrictive ordinance amendments. There are two restrictions along portions of Summerfield Drive and a restriction along a portion of Bonita Road that have been superseded by amendments that cover the entire streets.

Finally, the twelve-hour parking restriction section (TMC 10.28.095 (1)) of the Chapter is proposed for elimination entirely. Currently, a restriction along SW 76th Avenue is the only restriction in this section of the Code. This restriction has been superseded by a total prohibition of parking along SW 76th Avenue. Further, other proposed twelve-hour parking restrictions are not expected in the future. Parking prohibitions between specific hours are more appropriate for use and are anticipated instead of blanket twelve-hour prohibitions. Consequently, elimination of this section of the Code is recommended.

The proposed revisions have been reviewed by the Police Department and will not result in any changes to enforcement.

c: Ron Goodpaster, Chief of Police Greg Berry Michael Mills

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CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

AN ORDINANCE AMENDING CHAPTER 10.28, PARKING, OF THE TIGARD MUNICIPAL CODE.

WHEREAS, the City Council finds that Chapter 10.28 of the Tigard Municipal Code should be updated;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 13.04 is amended to read as follows:

Deleted language is shown by a strikethrough of language; added language shown by an underline of language.

Chapter 10.28. PARKING.

10.28.010	Definitions.
10.28.020	Repealed by Ord. 93-21.
10.28.022	Purposes for which parking is prohibited.
10.28.025	Vehicle sales on private property.
10.28.030	Truck, trailer, bus, camper, motor home, recreational vehicle, and boat restrictions.
10.28.040	Removal of parked vehicle from fire area.
10.28.050	Required precautions.
10.28.060	Parallel parking requirements.
10.28.070	Space markings.
10.28.080	S.W. Main Street between S.W. Burnham Street and Oregon Electric Railroad right-of-
	way.
10.28.090	Two-hour time limit.
10.28.095	Twelve Hour Limit
10.28.110	Fifteen-minute time limit.
10.28.120	Sunday restrictions.
10.28.125	Specified period restrictions.
10.28.130	Prohibited at any time.
10.28.135	Parking prohibited eight a.m. to six p.m.
10.28.136	Loading zonesAuthority to establish.
10.28.137	Loading zonesDesignated.
10.28.138	Construction zones and temporary loading zones.
10.28.140	ViolationMode of charging defendant.
10.28.150	ViolationPenalty.
10.28.160	Authority to impound improperly parked vehicles.
10.28.170	Parking prohibited in specified places.
10.28.175	Residential parking zones.
10.28.180	Definitions for Sections 10.28.190 through 10.28.210.
10.28.190	Application of parking regulations to disabled persons.
10.28.200	Parking in space reserved for disabled persons prohibitedExceptions.
10.28.210	Removal and impoundment of vehicle unlawfully parked in space reserved for disabled
	persons.

10.28.010 Definitions.

- (a) "Parking" or "parked," for purposes of the city motor vehicle code, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers, or in obedience to traffic regulations or traffic signs or signals.
- (b) It is unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters or other markings placed by or under authority of the city. "Parking time limit" includes the aggregate of time of all stopping or standing of the same vehicle on the same side of the street within a space of three hundred lineal feet measured along the curbline and between intersections; and the parking, standing or stopping of any vehicle within such expanse shall not exceed the designated time limit during any three-hour period.
- (c) For purposes of this chapter, the definitions of the following terms as used herein shall conform to the following ORS sections which by reference herein are made a part of this chapter:
 - (1) "Camper" is defined as set forth in ORS Section 801.180.
 - (2) "Highway" or "street" is defined as set forth in ORS Section 801.305.
 - (3) "Mobile home" is defined as set forth in ORS 801.340.
 - (4) "Motorbus" is defined as a Commercial Bus as set forth in ORS 801.200.
 - (5) "Motor home" is defined as set forth in ORS Section 801.350.
 - (6) "Motor truck" is defined as set forth in ORS Section 801.355.
 - (7) "Recreational vehicle" is defined as set forth in ORS 446.003.
 - (8) "Trailer" is defined as set forth in ORS Section 801.560.
 - (9) "Travel trailer" is defined as set forth in ORS Section 801.565
- (10) "Truck tractor" is defined as set forth in ORS Section 801.575. (Ord. 99-28, Ord. 93-21 §1, 1993; Ord. 70-41 Ch. 7, §1, 1970).

10.28.020 Repealed by Ord. 93-21.

10.28.022 Purposes for which parking is prohibited.

No person shall park a vehicle on the right-of-way of any highway, or upon any public street or public way within the city limits for any of the following purposes:

- (1) Selling or offering merchandise for sale;
- (2) Washing, greasing or repairing such vehicle except as may be necessitated by emergency;
- (3) Storage, for any period of more than twenty-four hours, except that this subsection shall be subject to the limits elsewhere prescribed in the city motor vehicle code or as may be prescribed by the Oregon State Motor Vehicle Code. It shall constitute prima facie evidence of storage of a vehicle if the same is not moved for a period of twenty-four (24) hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where

it was located before it is returned. Any vehicle mentioned in this subsection parked on the right-of-way of any highway, or upon any public street or public way within the city in violation of this subsection may be treated as an abandoned vehicle and the provisions of Chapter 7.60 shall apply. (Ord. 93-21 §3, 1993)

10.28.025 Vehicle sales on private property.

- (a) No property owner, unless in compliance with the provisions of Chapter 5.04, Business Taxes, and in further compliance with all applicable zoning codes, shall allow more than one vehicle to be displayed for sale on his or her property.
- (b) Violation of this section shall be a Class 1 infraction and shall be subject to the provisions of the civil infractions ordinance, Chapter 1.16 of this code. (Ord. 87-40 §1, 1987).

10.28.030 Truck, trailer, bus, camper, motor home, recreational vehicle, and boat restrictions.

- (a) No person shall at any time park or leave standing a house trailer, motor bus, motor truck, truck tractor, motor home, boat, vehicle with camper, recreational vehicle, or trailer, as defined in Section 10.28.010(c), whether attended or unattended, on any improved public highway, public street or other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of one minute past twelve a.m. and six a.m.
- (b) A recreational vehic le, house trailer, or motor home may be parked on a public street longer than the period allowed in Section 10.28.030(a) if:
- (1) It is owned by the resident or guest of the resident of the property in front of which it is parked,
 - (2) It is parked on the public street adjacent to the lot of the resident, and
 - (3) It is parked on the public street no longer than ten (10) days in any calendar year.
- (c) Such vehicle must be parked in a manner which does not interfere with traffic or create a hazard by obstructing the view of drivers.
- (d) Tractor Trailer, Truck Trailer. No person shall at any time park a tractor trailer or truck trailer as described in Section 10.28.010(c) unattended on any improved public highway, public street or other public way within the city limits. (Ord. 93-21 §4, 1993; Ord. 81-86 §1, 1981; Ord. 81-84 §1, 1981; Ord. 79-109 §1, 1979; Ord. 76-57 §1, 1976; Ord. 76-30 §1, 1976; Ord. 70-41 Ch. 7 §3, 1970).

10.28.040 Removal of parked vehicle from fire area.

Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers. (Ord. 70-41 Ch. 7 §4, 1970).

10.28.050 Required precautions.

No person having control or charge of a motor vehicle shall allow it to stand on any street unattended without first fully setting its parking brakes, stopping its motor and removing the ignition key and, when standing upon any precipitous grade, the front wheels of the vehicle shall be angled into the curb. (Ord. 70-41 Ch. 7 §5, 1970).

10.28.060 Parallel parking requirements.

No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within eighteen inches of the edge of the curb, except where the street is marked or signed for angle parking. (Ord. 70-41 Ch. 7 §6, 1970).

10.28.070 Space markings.

Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space. (Ord. 70-41 Ch. 7 §7, 1970).

10.28.080 S.W. Main Street between S.W. Burnham Street and Oregon Electric Railroad right-of-way.

All parking of motor vehicles on that portion of S.W. Main Street between the intersection thereof with S.W. Burnham Street and the Oregon Electric Railroad right-of-way shall be parallel with the centerline of S.W. Main Street, and all diagonal or head-in parking is prohibited. (Ord. 70-41 Ch. 7 §8, 1970).

10.28.090 Two-hour time limit.

No person shall park or leave standing a vehicle of any kind or character, whether motorized or not, continuously in excess of two hours, except on Sundays and holidays, on the following public streets and highways, or portions thereof, during the hours herein specifically designated:

(1) BETWEEN EIGHT A.M. AND FIVE P.M.:

- (A) In that portion of the southwest half of the rightof-way of S.W. Tigard Street extending from the southeast right-of-way line of S.W. Pacific Highway (99W Overpass) to the northwest right-of-way line of S.W. Main Street:
- (B) In that portion of the southwest half of S.W. Commercial Street extending from a point which lies forty-five feet southeasterly of the southeast right-of-way line of S.W. Main Street to a point one hundred thirty-nine feet southeasterly therefrom; and
- (C) In that portion of the southwest half of S.W. Commercial Street extending from a point which lies five hundred thirty five feet southeasterly of the southeast right-of-way line of S.W. Main Street to a point two hundred fifteen feet southeasterly therefrom;
- (D) In that portion of the northeast half of S.W. Commercial Street extending from a point which lies ninety-five feet southeasterly of the southeast right-of-way line of S.W. Main Street to a point two hundred fifty-three feet southeasterly therefrom;
- (E) In that portion of the northeast half of S.W. Commercial Street extending from a point which lies four hundred forty-eight feet southeasterly of the southeast right-of-way line of S.W. Main Street to a point two hundred fifty-seven feet southeasterly therefrom;
- (F) In that portion of S.W. Walnut Place extending from a point which lies one hundred sixty-five feet southeasterly of the southeast right-of-way line of S.W. Pacific Highway to a point one hundred twenty feet southeasterly therefrom.

(2) BETWEEN NINE A.M. AND SIX P.M.:

(A) S.W. Main Street;

(B) S.W. Pine Street from S.W. Main Street to S.W. Pacific Highway (99-W) right of way;

- (C) The northerly half of S.W. Center Street extending northeasterly from the intersection thereof with Greenburg Road to the intersection of S.W. 87th Avenue;
- (D) The east side of S.W. 87th Avenue between Pacific Highway and Center Street, except any area designated as a loading zone.
- (E) Along the northeast side of SW Burnham Street between Main Street and a point 100 feet from the southeast curb line of Main Street.

(3) ANYTIME:

(A) Within the southwest half of S.W. Walnut Place beginning at a point which lies one hundred seventy-five feet along the curbline from S.W. Pacific Highway, thence extending southeasterly ninety feet therefrom. (Ord. 99-13; Ord. 95-31; Ord. 92-27 §2, 1992; Ord. 87-05 §1, 1987; Ord. 86-45 §1, 1986; Ord. 84-03 §1, 1984; Ord. 82-75 §1, 1982; Ord. 81-87 §1, 1981; Ord. 80-65 §3(part), 1980; Ord. 79-108 §1, 1979; Ord. 79-10 §1, 1979; Ord. 77-36 §1, 1977; Ord. 77-5 §1, 1977; Ord. 76-53 §1, 1976; Ord. 70-41 Ch. 7 §9, 1970).

10.28.095 Twelve Hour Limit

No person shall park or leave standing a vehicle of any kind or character, whether motorized or not, continuously in excess of twelve hours, except when a portion of that twelve hour period occurs on a Saturday, Sunday or holiday, on the following public streets and highways:

(1) On SW 76th Avenue between Bonita Road and a point 500 feet south of the centerline of Bonita Road. (Ord. 94-15).

10.28.110 Fifteen-minute time limit.

- (1) No person shall park or leave standing a vehicle of any kind or character, whether motorized or not, and whether attended or unattended, for a period of longer than fifteen minutes between the hours of nine a.m. and six p.m., except Sundays and holidays, in any area designated as a fifteen-minute parking zone.
- (2) The City Engineer shall establish fifteen-minute parking zones to include no more than twenty parking spaces on SW Main Street. In selecting the locations for the fifteen-minute parking zones, the City Engineer shall consult with the owners of businesses along Main Street. The fifteen-minute time limit shall become effective upon installation of appropriate signing designating the parking spaces where the time limit applies. (Ord. 95-30; Ord. 86-59 §1, 1986; Ord. 71-33 §1 1971; Ord. 70-41 Ch. 7 §§10 12, 12A, 1970).

10.28.120 Sunday restrictions.

No person shall park a motor vehicle of any kind or character between the hours of six a.m. and twelve noon, on Sundays, according to Pacific Standard Time or Pacific Daylight Time as may be then in effect, on the following defined portions of public streets in the city:

- (1) The westerly side of S.W. Grant Street extending from the intersection thereof with S.W. Johnson Street to the intersection thereof with S.W. Walnut Avenue;
- (2) The southerly side of S.W. McKenzie Street extending from the intersection thereof with S.W. Grant Street to the intersection thereof with S.W. Pacific Highway (99-W). (Ord. 70-41 Ch. 7 §13, 1970).

10.28.125 Specified period restrictions.

No person shall park a motor vehicle of any kind or character between the hours specified on the following defined portions of public streets in the city:

- (1) Between the hours of eight a.m. and six p.m. within the right of way of S.W. Villa Ridge Road extending from the point of intersection of the centerline of S.W. 72nd Avenue with the centerline of S.W. Villa Ridge Road northeasterly to the junction thereof with S.W. Pacific Highway (99 W);
- (2) Between the hours of eight a.m. and five p.m. within the northwesterly half of the right-of-way of S.W. Grant Avenue from the intersection thereof with S.W. Walnut Street, southwesterly, to the end of the roadway at Charles F. Tigard School grounds;
- (3) Between the hours of seven a.m. and six p.m. within the right-of-way of S.W. Garrett Street from the intersection thereof with S.W. Pacific Highway southeasterly four hundred feet, excepting therefrom the southwesterly two hundred fifty feet;
- (4) Between the hours of seven a.m. and six p.m., except Saturday and Sunday, within the right-of-way of S.W. Garrett Street between Cresmer Drive and a point four hundred feet southeasterly from Pacific Highway, except along the southwest side of Garrett Street within two hundred forty feet of Cresmer Drive.
- (5) Between the hours of eight p.m. and six a.m., no person shall at any time park or leave standing a vehicle of any kind or character, whether motorized or not, and whether attended or unattended, within any portion of the right-of-way of SW Milton Court beginning at the north right-of-way line of Bonita Road and extending northerly the full length of the street up to and including the cul-de-sac at the end of the street. (Ord. 98-23; 90-12 §1, 1990; Ord. 84-68 §1, 1984; Ord. 83-18 §1, 1983; Ord. 74-44 §2, 1974).

10.28.130 Prohibited at any time.

No person shall at any time park or leave standing a vehicle of any kind or character, whether motorized or not, and whether attended or unattended, within the following defined portions of public streets and highways within the city:

- (1) Within the improved portion of the right-of-way as bounded by the curb lines, on each side of S.W. Pacific Highway (99-W), extending from the intersection of the centerline of S.W. Bull Mountain Road and the same extended to the southeasterly right-of-way line of S.W. Pacific Highway, northeasterly to the northeasterly city limits, being an extension of the easterly line of that tract of land deeded to Max R. Reed and recorded in Book 611, page 286, Deed Records, Washington County, Oregon; except that there is authorized and designated as a limited parking area, two parking spaces along the northwesterly curb parallel to the southwesterly lanes of travel, for vehicular parking purposes limited to any continuous period of not to exceed fifteen minutes, extending from a point southwest along the curbline twenty feet from a point opposite the most easterly corner of the Charles F. Tigard Schoolhouse site, southwesterly forty feet, the boundaries of said spaces being delineated by painted markings;
 - (2) Within the following described portions of the right-of-way of S.W. Hall Boulevard:

(A) Repealed by Ord. 80-65.

(B) Within that portion of the right-of-way of S.W. Hall Boulevard, extending from the intersection thereof with the Oregon Electric Railroad tracks (Southern Pacific) southeasterly to the intersection thereof with the center of Fanno Creek;

(3) Within the east half of the right-of-way of S.W. Hall Boulevard, within four hundred thirty-five feet northerly of the intersection of the east right-of-way line of S.W. Hall Boulevard with the north right-of-way line of S.W. Pacific Highway (99-W);

(4) **Repealed by Ord. 80-65.**

- (5) Within the west half of the right-of-way of S.W. Hall Boulevard, within seven hundred twenty-four feet northerly of the intersection of the west right-of-way line of S.W. Hall Boulevard with the north right-of-way line of S.W. Pacific Highway (99-W);
- (6) Within the southeast half of S.W. Main Street, extending northeasterly thirty six feet from the intersection of the curbline thereof with the curbline of S.W. Burnham Street;
- (7) Within that portion of the northeasterly half of S.W. Burnham Street lying within fifteen feet of the intersection of the northeasterly line of S.W. Burnham Street with the southeasterly line of S.W. Main Street;
- (8) Within the right-of-way of S.W. Commercial Street extending from the westerly right-of-way of S.W. Hall Boulevard on the north side northwesterly one hundred feet, and on the south side northwesterly one hundred seventy feet;
- (9) Within the easterly half of the right-of-way of S.W. Electric Street, within one hundred feet northerly of the intersection of the easterly right-of-way line of S.W. Electric Street with the northerly right-of-way line of S.W. Main Street;
- (10) Within the north half of the right-of-way of S.W. Pinebrook Street, within one hundred eleven feet westerly of the intersection of the west right-of-way line of S.W. Hall Boulevard with the north right-of-way line of S.W. Pinebrook Street;
- (11) Within the southeasterly half of S.W. Main Street from the intersection thereof with the northeasterly line of S.W. Scoffins Street, northeasterly to the intersection thereof with S.W. Pacific Highway right-of-way;
- (12) Within the northwesterly half of that portion of S.W. Main Street from its intersection on the west and thereof with S.W. Pacific Highway, northeasterly two hundred thirty feet;
- (13) Within the right-of-way of S.W. Walnut Street, extending from the intersection thereof with S.W. Pacific Highway (99-W) northwesterly to Tiedeman Avenue; approximately one thousand nine hundred twenty-two and forty four hundredths feet to the city limits as the same exist on September 28, 1971; except that there is authorized and designated as an unrestricted (time) vehicular parking area, along the southwest curb of S.W. Walnut Street, two spaces, parallel with but not within the southeasterly lanes of travel, commencing at a point which lies one hundred ninety two feet southeasterly of the southeast right of way line of forty foot wide S.W. Grant Avenue and extending, thence southeasterly forty two feet to a terminus point; the boundaries of said spaces being delineated by painted markings;
 - (14) Within the curblines on each side of S.W. Sandberg Street, including the cul-de-sac;
- (15) On the southeasterly one half of S.W. Villa Ridge Road within that portion thereof lying southwesterly of and within one hundred fifty feet of the intersection of the southeasterly right of way line of S.W. Villa Ridge Road with the centerline of S.W. 72nd Avenue;
- (16) On the southwesterly one-half of S.W. Frewing beginning at a point five hundred feet southeasterly of Pacific Highway and extending thence southeasterly a distance of two hundred feet;

- (17) On the southeasterly one-half of Grant Street beginning at the right-of-way line of Walnut Street and extending thence southwesterly to the end of the street at the Charles F. Tigard elementary school grounds;
- (18) On the south one-half of Scott Court beginning at the right-of-way line of S.W. 98th Avenue and extending thence westerly two hundred eighty-three feet;
- (19) On the northeast one-half of S.W. Commercial Street beginning at the southeast right-of-way line of S.W. Main Street and extending thence southeast ninety-five feet;
- (20) On S.W. Hunziker Street extending from the intersection thereof with S.W. Hall Boulevard southeasterly approximately two thousand eight hundred fifty-three feet;
- (21) On all that portion Within the right-of-way of S.W. 69th Avenue, extending from the intersection there of with the south right-of-way of lying southerly of S.W. Pacific Highway to the intersection thereof with the north right-of-way line of S.W. Dartmouth Street;
- (22) On the northerly one-half of S.W. Walnut Street beginning at the westerly edge of the driveway entrance to Fowler Junior High School and extending westerly to a point four hundred and ninety feet from said driveway;
- (23) Within the southwest half of the right-of-way of S.W. Commercial Street, within forty-five feet southeasterly of the southeast right-of-way line of S.W. Main Street;
- (24) Within the curblines on each side of S.W. Lomita Street, beginning at a point in the centerline thereof, which point lies two hundred feet east of the east right-of-way line of S.W. 90th Avenue, and running thence easterly and northerly a distance of one hundred sixty feet therealong;
- (25) Within the southeasterly half of S.W. Grant Avenue, beginning at the northeast right-of-way line of S.W. Walnut Street and extending northeasterly to the southwest right-of-way line of S.W. Tigard Street;
- (26) Within the right of way of S.W. Summerfield Drive, extending from the intersection thereof with the north right of way line of S.W. Durham Road to the intersection thereof with the west right of way line of S.W. Alderbrook Drive;
- (27) Within the right-of-way of S.W. 68th Parkway, extending from the intersection thereof with the south right-of-way line of S.W. Irving Street to the intersection thereof with the west right-of-way line of S.W. 66th Avenue;
- (28) Within the northwesterly half of the right-of-way of S.W. Main Street, within four hundred ninety-seven feet southwest of the southeast right-of-way line of S.W. Pacific Highway;
- (29) Within the southeasterly half of the right-of-way of S.W. Boones Ferry Road, beginning at the intersection of the west right-of-way line of Interstate No. 5 with the southeast right-of-way line of S.W. Boones Ferry Road and extending southwesterly a distance of two hundred seventy feet therefrom;
- (30) Within the right-of-way of S.W. Scoffins Street, extending from the intersection thereof with S.W. Main Street, southeasterly to S.W. Hall Boulevard;
- (31) Within the right of way of S.W. Summerfield Drive, from the intersection thereof with S.W. Durham Road, northerly and easterly to S.W. 98th Avenue;
 - (32) Along both sides of S.W. 121st Avenue between Scholls Ferry Road and Burlheights Drive;

- (33) Within the right-of-way of S.W. Summerfield Drive, extending from the intersection thereof with the north right-of-way line of S.W. Durham Road to the intersection thereof with the west right-of-way line of S.W. 98th Avenue; except that there is authorized and designated an unrestricted (time) vehicular parking area commencing at the west right-of-way line of S.W. Century Oak Drive running westerly a distance of three hundred feet along the south curb of S.W. Summerfield Drive;
- (34) In the southeasterly one-half of S.W. Main Street, extending southwesterly one hundred fifteen feet from the intersection of the southwest right-of-way line of S.W. Scoffins Street with the southeast right-of-way line of S.W. Main Street;
- (35) Along both sides of SW 72nd Avenue between the Beaverton-Tigard Highway (State Highway 217) and the south city limits;
- (36) Within the southwesterly half of the right of way of S.W. Tigard Street, commencing at the southeast right of way line of S.W. Grant Avenue and extending southeasterly to the southeast right of way line of S.W. Pacific Highway (99 W Overpass);
- (37) Within the right-of-way of S.W. 112th Avenue, extending southerly from S.W. Gaarde Street to the frontage road along S.W. Pacific Highway;
- (38) Within the right of way of S.W. Burnham Street, from S.W. Main Street to S.W. Hall Boulevard; excepting that portion within the northeasterly half of S.W. Burnham Street beginning at a point fifteen feet southeasterly of the intersection of the northeasterly line of S.W. Burnham Street with the southeasterly line of S.W. Main Street and extending therefrom southeasterly forty five feet, said portion of S.W. Burnham Street being designated as a loading zone between the hours of eight a.m. to twelve noon, Sundays and holidays excluded;
 - (39) Upon or within any delineated bicycle and/or pedestrian path(s) or lanes;
- (40) Within the paved portions of SW 72nd Avenue between Pacific Highway and the Beaverton-Tigad Highway (State Highway 217);
 - (41) Along both sides of S.W. Greenburg Road between Pacific Highway and Shady Lane;
- (42) Within the right-of-way of S.W. 110th Avenue, beginning at a point one hundred six feet northerly of the north right-of-way line of S.W. Gaarde Street and extending thence two hundred seventy feet northerly;
- (43) On southwest Gaarde Street from Pacific Highway to 112th Avenue, except for that portion of the north half of Gaarde Street beginning at a point eighty feet east of the east curbline of 110th Avenue and extending to a point one hundred ninety feet east of the east curbline of 110th Avenue, measured along the north curbline of Gaarde Street;
- (44) Within the northeasterly half of the right-of-way of S.W. Canterbury Lane, extending from the intersection thereof with S.W. Pacific Highway, southeasterly a distance of seventy-five feet therefrom;
- (45) Within the right-of-way of S.W. Fir Street, extending from the intersection thereof with S.W. 72nd Avenue, easterly to S.W. Fir Loop;
- (46) Within the right-of-way of S.W. Fir Loop, being all that portion thereof lying easterly of S.W. Fir Street;
- (47) Within the right-of-way of S.W. Hall Boulevard extending from the intersection thereof with S.W. Pacific Highway (99-W) southerly to a point which lies two hundred feet south of the centerline of S.W. Scoffins Street;

- (48) Within the right-of-way of S.W. 70th Avenue, extending from the intersection thereof with S.W. Hampton Street, southerly to the terminus thereof;
- (49) Within the northerly half of S.W. Walnut Place; also, within the southwest half of S.W. Walnut Place beginning at S.W. Pacific and, thence, extending a distance of one hundred seventy-five feet southeasterly along the curbline;
- (50) Within a portion of the right-of-way of S.W. Hampton Street being all that portion thereof lying between S.W. 72nd Avenue and S.W. 66th Avenue;
 - (51) Repealed by Ordinance 98-09;
 - (52) Repealed by Ordinance 98-09;
- (53) Within the southeast half of the most southerly end of S.W. Main Street, beginning at the intersection of the southeast curblines of S.W. Pacific Highway and S.W. Main Street and extending seventy-five feet along the Main Street curbline to a point; also, therein, beginning at a point on the Main Street curbline which lies two hundred five feet from said intersecting curblines and extending thirty feet therealong to a point;
- (54) Within the westerly half of the right-of-way of 115th Avenue extending from the intersection with S.W. Gaarde Street northerly to the intersection of S.W. Fonner Street;
- (55) Within the northwesterly right-of-way of S.W. McKenzie Street from a point twenty feet southeasterly from the intersection of the centerlines at S.W. McKenzie St., and S.W. Grant St., to a point ninety feet southeasterly of the centerline intersection;
- (56) On the northwesterly half of S.W. Ash Avenue beginning at the northeast right-of-way line of S.W. Commercial Street and extending thence northeasterly one hundred thirty-eight feet.
- (57) Within the curblines on each side of S.W. Genesis Loop, extending from the most southerly intersection thereof with S.W. 115th Avenue easterly a distance of one hundred sixty-five feet;
 - (58) Along both sides of S.W. Durham Road between Hall Boulevard and Pacific Highway;
 - (59) Repealed by Ord. 95-32;
- (60) Within the west half of the right-of-way of S.W. 92nd Avenue, beginning at the intersection thereof with the south right-of-way line of S.W. Durham Road; thence, extending southerly one thousand four hundred fifty feet;
- (61) Within the right-of-way of S.W. 92nd Avenue, beginning at a point which lies one thousand four hundred fifty feet southerly of the south right-of-way line of S.W. Durham Road; thence, extending southerly one thousand one hundred ninety feet; excepting therefrom the south six hundred eighty feet of the west half thereof:
- (62) Along the east side of S.W. 85th Avenue from Durham Road to a point four hundred fifty feet south of the south curbline of Durham Road;
- (63) On S.W. Varns Street from S.W. 72nd Avenue to a point one hundred twenty-five feet west of the west curbline of 72nd Avenue;
- (64) On S.W. Watkins Avenue from S.W. Pacific Highway to a point seventy-five feet west of the west curbline of Pacific Highway;

- (65) Along the north side of S.W. Burnham Street from Hall Boulevard to a point six hundred seventy-five feet west of the west curbline of Hall boulevard, measured along the north curbline of Burnham Street;
- (66) On S.W. 69th Avenue from Pacific Highway to a point one hundred fifty feet north of the north curbline of Pacific Highway, measured along the east curbline of 69th Avenue;
 - (67) Along the south side of S.W. Locust Street between Greenburg Road and 93rd Avenue;
- (68) Along the south side of Spruce Street between a point one hundred feet east of the extended centerline of S.W. 72nd Avenue and a point 100 feet west of the extended centerline of S.W. 72nd Avenue;
 - (69) Along both sides of S.W. 135th Avenue between Scholls Ferry Road and Morning Hill Drive;
- (70) Along both sides of S.W. Nimbus Avenue between Scholls Ferry Road and a point two hundred forty feet south of the south curbline of Scholls Ferry Road;
 - (71) Along both sides of S.W. Bonita Road between Hall Boulevard and S.W. 83rd Court;
 - (72) Along both sides of S.W. Bonita Road between 83rd Court and Fanno Creek;
- (73) Along the east side of S.W. 76th Avenue between Bonita Road and a point one hundred seventy five feet south of the centerline of Bonita Road:
 - (74) Along the north side of Canterbury Lane between Pacific Highway and S.W. 106th Avenue;
- (75) Along the north side of Benchview Terrace between S.W. 132nd Avenue and the west boundary of Benchview Estates subdivision as recorded in Book 66, page 38, of the plat records of Washington County;
 - (76) Along both sides of S.W. McDonald Street between Hall Boulevard and 93rd Avenue;
 - (77) Repealed by Ord. 95-17.
- (78) Along the west side of S.W. 108th Avenue from Chateau Lane to a point two hundred thirty-three feet south of the centerline of Chateau Lane until such time as 108th Avenue is improved in this location to full minor collector standards. At the time that the street is improved, the effect of the ordinance codified in this subsection (78) shall cease;
- (79) Along portions of S.W. Fir Street between S.W. 72nd Avenue and the street terminus west of 74th Avenue, as follows: along the entire south side of the street; along the north side of the street within sixty feet of the west curbline of S.W. 72nd Avenue; and along the north side of the street west of a point which is sixty feet west of the centerline of S.W. 74th Avenue;
- (80) Along both sides of S.W. North Dakota Street between S.W. Tiedeman Avenue and S.W. 115th Avenue.
 - (81) Along both sides of SW Dartmouth Street between SW 68th Parkway and SW Pacific Highway.
- (82) Along the west side of SW 108th Avenue between Durham Road and a point 145 feet north of the centerline of Chateau Lane.
- (83) Along the west side of SW 109th Avenue beginning at the start of a curve approximately 260 feet south of the south curb line of Canterbury Lane and continuing south a distance of 285 feet measured along the west curb of SW 109th Avenue.

- (84) Along the east side of SW 109th Avenue beginning at the start of a curve approximately 260 feet south of the south curb line of Canterbury Lane and continuing south a distance of 125 feet measured along the east curb of SW 109th Avenue.
- (85) Along the south side of Canterbury Lane from Pacific Highway to a point 200 feet east of the east curb line of Pacific Highway;
 - (86) On both sides of SW Durham Road between SW 72nd Avenue and Upper Boones Ferry Road;
 - (87) On both sides of SW North Dakota Street between Scholls Ferry Road and Springwood Drive;
 - (88) On SW 70th Avenue between Beveland Street and Franklin Street;
- (89) Along the southwest side of SW Commercial Street beginning at a point 250 feet southeast of the southeast curb of Main Street and continuing to a point 510 feet southeast of the southeast curb of Main Street;
- (90) On both sides of SW Walnut Street between the south leg of 135th Avenue and SW Scholls Ferry Road;
 - (91) On both sides of SW Royalty Parkway between Pacific Highway and Naeve Street.
- (92) Any portion of the right-of-way of SW 76th Avenue beginning at the south right-of-way line of Bonita Road and extending southerly 482 feet.
- Within the northeast half of SW Commercial Street beginning at a point three hundred forty eight feet southeast of the southeast right-of-way line of SW Main Street and continuing to a point four hundred forty eight feet southeast of Main Street. (Ord. 99-12; Ord. 99-11; Ord. 98-23; Ord. 98-09; Ord. 96-01; Ord. 95-32; Ord. 95-25; Ord. 95-23; Ord. 95-17; Ord. 95-07; Ord. 95-06; Ord. 94-22; Ord. 93-27 §§1, 2, 1993; Ord. 93-26 §1, 1993; Ord. 92-28 §1, 1992; Ord. 92-17 §1, 1992; Ord. 92-11 §1, 1992; Ord. 91-29 §1, 1991; Ord. 91-25 §1, 1991; Ord. 91-24 §1, 1991; Ord. 91-23 §1, 1991; Ord. 91-09 §1, 1991; Ord. 90-42 §1, 1990; Ord. 90-36 §1, 1990; Ord. 90-35 §1, 1990; Ord. 90-34 §1, 1990; Ord. 90-33 §1, 1990; Ord. 90-32 §1, 1990; Ord. 90-31 §1, 1990; Ord. 89-12 §1, 1989; Ord. 88-30 §1, 1988; Ord. 88-05 §1, 1988; Ord. 88-04 §1, 1988; Ord. 87-53 §1, 1987; Ord. 87-46 §1, 1987; Ord. 86-67 §1, 1987; Ord. 87-06 §1, 1987; Ord. 86-55 §1, 1986; Ord. 86-54 §1, 1986; Ord. 86-45A §1, 1986; Ord. 86-13 §1, 1986; Ord. 86-04 §1, 1986; Ord. 84-53 §1, 1984; Ord. 83-50 §1, 1983; Ord. 83-46 §1, 1983; Ord. 83-29 §1, 1983; Ord. 83-28 §1, 1983; Ord. 82-82 §1, 1982; Ord. 82-76 §1, 1982; Ord. 81-80 §1, 1981; Ord. 81-57 §1, 1981; Ord. 81-46 §1, 1981; Ord. 80-65 §\$1, 3(part), 1980; Ord. 79-60 §1, 1979; Ord. 79-107 §1, 1979; Ord. 79-113 §1, 1979; Ord. 79-114 §1, 1979; Ord. 79-39 §1, 1979; Ord. 79-9 §1, 1979; Ord. 78-45 §1, 1978; Ord. 78-68 §1, 1979; Ord. 78-39 §1, 1979; Ord. 78-38 §1, 1977; Ord. 77-93 §1, 1977; Ord. 77-92 §1, 1977; Ord. 77-78 §1, 1977; Ord. 77-77 §1, 1977; Ord. 77-73 §1, 1977; Ord. 77-61 §1, 1977; Ord. 77-40 §1, 1977; Ord. 77-39 §1, 1977; Ord. 77-36 §2, 1977; Ord. 77-6 §1, 1977; Ord. 76-56 §1, 1976; Ord. 76-38 §1, 1976; Ord. 76-33 §1, 1976; Ord. 76-31 §1, 1976; Ord. 76-20 §1, 1976; Ord. 76-8 §1, 1976; Ord. 76-7 §1, 1976; Ord. 76-6 §1, 1976; Ord. 75-47 §1, 1975; Ord. 75-38 §1, 1975; Ord. 75-34 §1, 1975; Ord. 75-51 §1, 1975; Ord. 74-44 §1, 1974; Ord. 71-32 §1, 1971: Ord. 70-41 Ch. 7 §14, 1970).

10.28.135 Parking prohibited eight a.m. to six p.m.

No person shall park or leave standing a vehicle of any kind or character, whether motorized or not, between the hours of eight a.m. and six p.m. on any day of the week, including Saturday and Sunday, on the southerly one-half of the following portion of S.W. Johnson Street, in the city of Tigard, Oregon:

That portion of the southerly one-half of S.W. Johnson Street lying westerly of and within four hundred feet of the northwesterly right-of-way line of S.W. Pacific Highway. (Ord. 75-19 §1, 1975).

10.28.136 Loading zones--Authority to establish.

- (a) The city council may establish loading zones along any street for the purpose of permitting the loading and unloading of merchandise and persons. The action of the city council establishing such loading zones must be taken by ordinance. In establishing loading zones the city council shall give consideration to the volume and nature of business within the area under consideration, the traffic demands upon the street in question, the nature of the need of the adjacent business or businesses and of the needs of other businesses within the immediate area, the width and surface of the street, and any other relevant information. In establishing loading zones, the city council may limit the applicability of the loading zone restriction to certain hours of the day or night. The characterization of the loading zone as an area of restricted parking shall be indicated by the placement of signs which shall indicate clearly the area affected, and which shall state the hours of the day during which the "loading zone" restricted applies.
- (b) Loading zones shall be reserved for use by commercial vehicle in loading and unloading persons and commodities during the hours designated on all days except Sundays and holidays. No person shall stop, stand or park any vehicle other than a commercial vehicle within the designated area between such hours, except that noncommercial vehicles may use such zones while actually engaged in the loading or unloading of persons or commodities, but noncommercial vehicles shall upon demand give way to commercial vehicles whose drivers desire to use the zone for loading or unloading purposes. Commercial vehicles using loading zones shall be entitled to the use of a loading zone only during such time as may reasonably be necessary for the loading and unloading of persons and materials and for so long as such activity actually continues. Loading zones shall not be used by employees of the business or businesses for the benefit of which they were established, for any purpose except the continuous loading or unloading of persons or materials.
- (c) At all times other than those times designated in the ordinance establishing a particular loading zone, such zones shall be available for general use under the parking regulations applicable to the district in which they are located.
- (d) The city council shall consider creation of loading zones upon application by any resident or property owner, and if, after consideration of the factors identified in subsection (a) above, the city council determines that a loading zone should be created, it shall create such loading zone by ordinance, and direct that the loading zone so established by marked by appropriate signs. The city shall procure appropriate signs and cause them to be installed. The applicant shall pay the city the cost of the necessary signs and poles and the cost of the labor necessary to install them, and installation shall not be made before such payment. (Ord. 76-10 §1, 1976).

10.28.137 Loading zones--Designated.

The following portions of public streets within the city of Tigard are designated as loading zones for the hours indicated:

- (1) Repealed by Ord. 95-20;
- (2) Within the easterly half of S.W. 87th Avenue, beginning at a point thirty feet southerly of an easterly extension of the south boundary line of S.W. Center Street and, thence, running southerly sixty feet. The described zone is designated as a loading zone between the hours of nine a.m. to three p.m., Saturdays, Sundays and holidays excluded;
- (3) Repealed by Ord. 95-20. (Ord. 95-20; Ord. 92-27 §1, 1992; Ord. 86-60 §1, 1986; Ord. 86-14 §1, 1986; Ord. 81-90 §1, 1981; Ord. 76-10 §2, 1976).

10.28.138 Construction zones and temporary loading zones.

- (a) Provision for Permits. Any person who finds it necessary to park a motor vehicle for actual construction or maintenance work or who finds it necessary to block off a parking space or spaces along the curb in a zone in which parking is controlled, shall be entitled to a construction zone permit. Any person who finds it necessary in connection with the conduct of a commercial enterprise or in the construction of a building, to park a motor vehicle or to block off a parking space or spaces along the curb for such work shall be entitled to a temporary loading zone permit. Application for a construction zone permit or a temporary loading zone permit shall be made in writing to the chief of police upon a form to be provided by him showing such information as he may request. The chief of police shall make such investigation as he deems necessary and, if he is satisfied that the applicant has a reasonable need for the permit, the chief of police shall issue a construction zone permit or a temporary loading zone permit.
- (b) Term of Permit. The term of a permit issued by the chief of police pursuant to subsection (a) above shall be established by the chief of police and entered upon the permit but in no event shall a permit be issued for a period to exceed one year.
- (c) Fees. The fee for a construction zone permit or a temporary loading zone permit shall be twenty-four dollars for one year or two dollars for each month or portion of a month for periods of less than one year. The fee shall be paid to the chief of police at the time of application. In the event the need for the permit terminates before the end of the term allowed by the permit as issued, the applicant shall be entitled to a refund in the amount of the charge that would have been made for the unused term of the permit.
- (d) Display of Permit. Before any person shall use a parking space in such a way as to require the issuance of a construction zone or temporary loading zone permit he shall obtain the construction permit or temporary loading zone permit, and at all such times as the vehicle or vehicles shall be parked in the place authorized by such a permit, the permit shall be displayed in such a way as to permit one observing the vehicle from the outside to read it. If the vehicle is equipped with a sunvisor above or beside the windshield on the driver's side, the permit shall be displayed on the sunvisor, which shall be turned down so as to expose the permit toward the outside of the vehicle.
- (e) The purpose of this section is to permit use of the public streets for parking in circumstances in which parking would otherwise be prohibited or limited as to time pursuant to the ordinances of the city of Tigard. (Ord. 78-75 §2, 1978).

10.28.140 Violation--Mode of charging defendant.

- (a) In all prosecutions for violation of city motor vehicle parking laws, it shall be sufficient to charge the defendant by an unsworn written notice if the same clearly states:
 - (1) The date, place and nature of the charge;
 - (2) The time and place for defendant's appearance in court;
 - (3) The name of the arresting officer;
 - (4) The license number of the vehicle.
- (b) The notice provided for in subsection (a) of this section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. The notice shall serve as the complaint in the case. In all other respects the procedure now provided by law in such cases shall be followed. (Ord. 70-41 Ch. 7 §15, 1970).

10.28.150 Violation--Penalty.

Any violation of the provisions of any section of this chapter or any rule or regulation therein stated, shall, upon conviction, be punishable by a fine of not more than one hundred dollars for each violation. (Ord. 70-41 Ch. 7 §30, 1970).

10.28.160 Authority to impound improperly parked vehicles.

- (a) When any unattended vehicle is parked upon any street, alley or public way of the city of Tigard in such a manner that it is unlawfully parked in any prohibited or restricted area; or is unlawfully parked for a length of time prohibited by ordinance or resolution of this city; or is parked in such a position that it constitutes an obstruction to traffic or creates a danger to travel upon the street, alley or public way; or is found abandoned in any street, alley or public way; or in the event that an operator of a vehicle is arrested and placed in custody and is not in condition to drive the vehicle to a place of safety and there is no other person present who may properly act as agent for such operator to drive the vehicle to a place of safety, such vehicle is declared to be a public nuisance and subject to summary abatement, removal and impounding.
- (b) Both the owner and the operator of a vehicle impounded pursuant to subsection (a) of this section shall be legally responsible for payment of the costs of towing and storage. The towing and storage charges shall be established in advance, pursuant to an agreement between the police department of the city of Tigard and the towing and storage firm or firms called upon to conduct such business. No charges in excess of those previously agreed upon shall be levied against the owner or operator of a vehicle towed pursuant to subsection (a) of this section.
- (c) The towing service called upon to impound a vehicle and finding the owner or driver thereof present shall release the vehicle upon the presentation of proper identification of the owner or operator, and upon the owner or operator's signing an authorized receipt in duplicate (except where exclusive orders are given by the police department that the vehicle be impounded), and a service charge not to exceed one-half of the cost for the towing of the vehicle shall be made, that charge to be paid by the owner or operator. The duplicate signed receipt shall be given to the operator or owner of the vehicle, and the original signed copy shall be recorded by the towing service in its ledger of releases. (Ord. 77-98 §1, 1977).

10.28.170 Parking prohibited in specified places.

It is unlawful for the driver of a vehicle to stop or park the vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

- (1) Within an intersection:
- (2) On a crosswalk;
- (3) Within fifty feet of any uncontrolled intersection or any intersection controlled with side-mounted stop signs, side-mounted yield signs, or side-mounted signals, except:
 - (A) One one-way streets leaving an intersection;
 - (B) On streets otherwise signed if:
 - i) The vehicle is over six feet in height, or
- ii) The vehicle is less than six feet in height but by manufacture or modification, obscures the vision of:

- a. Any official side-mounted traffic control sign or signal,
- b. Intersection traffic, or
- c. Any pedestrian in a crosswalk;
- (iii) Vehicles described in (3)(B) above include, but are not limited to, the following:
 - a. Vehicles with darkened, shaded or curtained windows,
 - b. Vehicles modified to eliminate side window(s) and/or rear windows,
 - c. Vehicles with visibility through windows blocked by parcels, packages

or freight,

- d. Pickup vehicles of less than six feet in height but mounted with a canopy or camper with limited visibility through it,
- e. Panel trucks (except those with windows on both sides of the rear portion of the truck, and also on the back of the truck);
- (iv) An uncontrolled intersection is one where there are no traffic-regulating signs or signals.
- (4) Any other vehicle not identified in subsection (3) above, within twenty-five feet from the intersection of curb lines, or if none, then within fifteen feet of the intersection of property lines at an intersection within a business or residence district;
 - (5) Within fifteen feet of the driveway entrance to any fire station;
 - (6) Within ten feet of a fire hydrant, save and except taxicabs occupying properly signed taxi zones;
 - (7) In front of a private driveway;
 - (8) On a sidewalk or parking strip;
 - (9) On the roadway side of any vehicle stopped or parked at the edge of a street or highway;
- (10) At any place where official signs, curb paint, or markings have been installed prohibiting standing, stopping or parking; provided, however, driver-attended private passenger motor vehicles, taxicabs or other public conveyances may stop for not more than thirty seconds in such a tow-away zone for the purposes of loading and unloading passengers;
- (11) In front of the entrance of any post office or other place where mail is received; or within ten feet of a mailbox during the hours of eight a.m. to four-thirty p.m. in any residential area;
- (12) In any street, alley or lane, so as to prevent the free passage of other vehicles in both directions at the same time (except on one-way streets), or so as to prevent any vehicle from turning from one street into another:
 - (13) In any street, alley or lane, in lieu of offstreet parking, for a period longer than forty-eight hours;
 - (14) In any emergency zone;

- (15) In any loading zone, except as to a commercial vehicle when actually engaged in loading or unloading goods, wares, merchandise or materials, for a period not exceeding twenty minutes; and as taxicabs when loading or unloading passengers or merchandise, for a period of time not exceeding two minutes;
- (16) In a bus loading zone, except a motor bus or taxicab actually engaged in loading or unloading passengers or merchandise for a period not exceeding two minutes;
- (17) In any construction zone, except by such vehicles as are actually necessary to the construction work being carried on;
- (18) On city-owned or city-operated property designated for use for motor vehicle parking by authorized city personnel only, without the consent of the city, if there is in plain view on such property a sign prohibiting public parking or restricting parking;
- (19) Within any city park or part thereof, during the time the park, or the relevant part of it, is closed to the public. (Ord. 87-70 §1, 1987; Ord. 78-76, 1978).

10.28.175 Residential parking zones.

- (a) The city council, pursuant to TMC Section 10.32.010 may establish residential parking zones. The purpose of residential parking zones is to prohibit parking by nonresidents during specific time periods within specific geographic areas used predominantly for residential purposes. The city council resolution which establishes the residential parking zone shall clearly define the geographic limits of the area affected by the zone and the hours during which the parking by nonresidents will be prohibited. Residents within the parking zones may obtain a permit from the city administrator pursuant to subsection (b) of this section to allow for the parking of vehicles within the zone during the restricted hours.
- (b) The city administrator shall establish procedures and standards for the issuance of permanent and temporary permits to residents that will allow the residents and their guests to park their vehicles within residential parking zones during the restricted hours. At a minimum, the administrator shall establish rules which establish the criteria for issuance, surrender and revocation of permits, evidence of proof of residence and vehicle ownership, terms of the permit, standards for display of the permit, and allow for the issuance of temporary permits to residents for the parking of nonresident vehicles for temporary periods upon a showing of reasonable need for such permits.
- (c) The city administrator shall cause to be installed and maintained, pursuant to TMC 10.32.020, official signs for residential parking zones which clearly identify the parking restrictions for nonresidents and the exception to those restrictions for permit holders within the residential parking zones.
 - (d) It shall be unlawful for any person to:
- (1) Provide false information in connection with an application for a permanent or temporary permit;
- (2) Fail to surrender a permit, when requested to do so, when the person is no longer entitled to the permit;
 - (3) Use a permit when the permit holder is no longer entitled to the permit;
- (4) Use, or allow the use of a permit in conjunction with a vehicle other than the vehicle for which the permit was issued;
- (5) Use, or allow the use of a temporary permit in a manner inconsistent with the terms and limitations of the permit.

(e) The city administrator is authorized to revoke any permit when the permit holder is found to be in violation of the provisions of this section, and, upon written notification thereof, the permit holder shall surrender the permit to the administrator. Failure to do so shall constitute a violation of this section. (Ord. 91-26 §1, 1991).

10.28.180 Definitions for Sections 10.28.190 through 10.28.210.

As used in Sections 10.28.190 through 10.28.210 unless the context requires otherwise:

- (1) "Disabled parking space" means a parking space that is on private or public property and is marked or signed to provide parking for disabled persons.
- (2) "Disabled person" means a person who permanently suffers from any of the following disabilities:
 - (a) Loss or loss of function of one or both legs or significant limitation in the use of the legs;
 - (b) Inability to be mobile without the use of a wheelchair or other assistance device;
 - (c) Loss or loss of function of both hands;
 - (d) Loss of vision or substantial loss of visual acuity or visual field beyond correction;
- (e) Respiratory disability that makes use of walking as a means of transportation impossible or impractical; or
- (f) Cardiovascular disability that makes use of walking as a means of transportation impossible or impractical.
- (3) "Government building" and "public building" have the meanings given those terms in ORS 447.210.
- (4) "Marked motor vehicle" means a motor vehicle conspicuously displaying the decal, insignia or plates issued under the provisions of ORS 487.925. (Ord. 80-58 §1, 1980).

10.28.190 Application of parking regulations to disabled persons.

A disabled person may:

- (1) Park a marked motor vehicle in any public parking zone restricted as to the length of time parking is permitted therein without incurring the penalties imposed for overtime parking in such zones; and
- (2) Park a marked motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee.
 - (3) The provisions of subsection (1) of this section do not apply:
- (a) To parking in zones where stopping, parking or standing of all motor vehicles is prohibited;
 - (b) To late evening or overnight parking where such parking is prohibited;
 - (c) To parking in zones reserved for special types of motor vehicles or activities; or

(4) granted a disab 80-58 §2, 1980	A person who is not disabled as defiled person under this section, commits).		
10.28.200	Parking in space reserved for disab	led persons prohibitedExce	ptions.
(1) marked motor v	Except as provided in subsection (2) vehicle in a disabled parking space.	of this section, no person shall	ll park a vehicle that is not a
(2)	Subsection (1) of this section does no	t apply:	
disabled person	(a) To a vehicle that is momenta to enter or leave the vehicle.	arily in a disabled parking space	ce for purposes of allowing a
under city ordir	(b) To any disabled parking spanance if the different provisions or requ	ace that is subject to differen irements are clearly posted.	t provisions or requirements
SECTION 2:	This ordinance shall be effective the Mayor, and posting by the C	•	by the Council, signature by
PASSED:	By vote of all C title only, this day of	Council members present after, 2002.	being read by number and
		Catherine Wheatley, City	Recorder
APPROVED:	By Tigard City Council this	day of	, 2002.
		James E. Griffith, Mayor	
Approved as to	o form:		
City Attorney			
Date			
i:\citywide\ord\ordinance to rev	ise 10.28 parking.doc		

To parking in zones where parking is permitted only for thirty minutes or less.

(d)

Appendix A Parking Regulations Proposed Revisions

Title	TMC#	Street	Comments	Recommendations	From	То
2 Hour Time Limit	10.28.090 (2)(B)	Pine St @	Does Not Exist	Remove From Code	Main St	Pacific Hwy
Twelve Hour Parking Limit	10.28.095 (1)	76th Ave	10.28.130(92) Requires no parking on street 24/7	Remove From Code	Bonita	to End
No Parking During Times	10.28.125 (1)	Villa Ridge	Does Not Exist	Remove From Code	Hwy 99w	72nd Ave
No Parking	10.28.130 (6)	Main St / South Side	The building has been removed	Remove From Code	Burnham St	50ft North
No Parking	10.28.130 (7)	Burnham St / North Side	The building has been removed	Remove From Code	Main St	15ft from the R/W Lines
No Parking	10.28.130 (13)	Walnut St	Area of Parking no longer exists	Remove Parking Area From Code	Hwy 99w	to just short of 106th Ave
No Parking	10.28.130 (15)	Villa Ridge	Does Not Exist	Remove From Code	72nd Ave	150ft Southerly
No Parking	10.28.130 (21)	69th Ave	South of Dartmouth, 69th has been Improved and has parking	Revise to restrict from Pacific Hwy to Dartmouth	South of Hwy 99w	To End
No Parking	10.28.130 (26)	Summerfield Dr	Superseded by 10.28.130(33)	Remove From Code	Durham Rd	Alderbrook Dr
No Parking	10.28.130 (31)	Summerfield Dr	Superseded by 10.28.130(33)	Remove From Code	Durham Rd	98th Ave
No Parking	10.28.130 (36)	Tigard St	Improvements have Allowed Parking in this Area	Remove From Code	Hwy 99w R/W	Grant St
No Parking	10.28.130 (38)	Burham St	Improvements have Allowed Parking in this Area	Remove From Code	Main St	Hall Blvd
No Parking	10.28.130 (73)	76th Ave	10.28.130(92) Covers the entire Street	Remove From Code	Bonita	175ft From C.L. Bonita Rd

3/5/2002 I:\ENG|parking App a.xls

Agenda Item No.:	11	
Meeting of:	March 12, 2002	

Packet Materials for

Council Discussion of Options regarding MUR-2 Zoning Issues Raised during the Washington Square Regional Plan Implementation Public Hearing

will be available in hard copy by Friday, March 8, 2002

Contact the City Recorder's Office at 503-639-4171 for more information